

FEDERAL REGISTER

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Washington, Thursday, August 16, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS TEMPORARY APPOINTMENT IN ABSENCE OF ELIGIBLES; PREFERENCE

Paragraph (d) of § 2.302 is amended as set out below.

§ 2.302 *Temporary appointment in absence of eligibles.* * * *

(d) *Preference.* In making temporary appointments under this section, agencies shall give preference to veterans as follows:

(1) For professional and scientific positions in and above grades GS-9 of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authority, preference shall be given to veterans without regard to type of preference.

(2) For all other positions, preference shall be given first to ten-point veterans who have a compensable service-connected disability of ten percent or more, and second to other veterans.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6631; Filed, Aug. 15, 1956;
8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 847.2, Supp. 2]

PART 847—PUERTO RICO

LOCAL PRODUCING AREA FOR 1954-55 CROP; MAYAGÜEZ

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950-51 and

Subsequent Crops (15 F. R. 6490), as amended (20 F. R. 5963), the Director of the Agricultural Stabilization and Conservation Caribbean Area Office hereby determines that two wards of the municipality of Mayagüez shall constitute one local producing area for the 1954-55 crop year, as follows:

§ 847.4 *Mayagüez, Puerto Rico.* For the 1954-55 crop year, the wards of Sabalos and Guanajibo of the municipality of Mayagüez, Puerto Rico, shall constitute one local producing area.

STATEMENT OF BASES AND CONSIDERATIONS

The two wards specified herein are adjacent to one another, and are designated as one local producing area for determining eligibility of sugarcane farms located therein for acreage abandonment or crop deficiency payments with respect to the 1954-55 crop of sugarcane as provided in the Sugar Act of 1948, as amended. Flood conditions in these wards reduced the yields of sugar below 80 percent of the normal yields for the farms whose harvested sugarcane acreage for the 1954-55 crop was more than 10 percent of the total sugarcane acreage of such crop harvested from all farms in such wards.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or applies sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

[SEAL] G. LAGUARDIA,
Director, Agricultural Stabilization and Conservation Caribbean Area Office.

JULY 30, 1956.

[F. R. Doc. 56-6634; Filed, Aug. 15, 1956;
8:56 a. m.]

[Sugar Determination 847.2, Supp. 3]

PART 847—PUERTO RICO

LOCAL PRODUCING AREA FOR 1954-55 CROP; AÑASCO AND SAN SEBASTIÁN

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950-51 and Subsequent Crops (15 F. R. 6490), as amended (20 F. R. 5963), the Director of the Agricultural Stabilization and Con-

(Continued on p. 6113)

CONTENTS

	Page
Agricultural Marketing Service	
Proposed rule making:	
Figs, dried, produced in Calif.; handling of.....	6140
Milk, handling of:	
Chicago, Ill.....	6136
Detroit, Mich.....	6133
Rules and regulations:	
Vegetables grown in certain designated counties in Colorado; approval of expenses and rate of assessment.....	6113
Agriculture Department	
See Agricultural Marketing Service; Commodity Exchange Authority; Commodity Stabilization Service.	
Alien Property Office	
Notices:	
Vesting orders:	
First Hungarian General Assurance Co. (2 documents).....	6156
Geldinstituts-Zentrale.....	6156
National Bank of Roumania (3 documents).....	6157, 6158
Precision Tool and Machine Co., Ltd.....	6155
Providentia Versicherungs A. G. (2 documents).....	6155
Civil Aeronautics Board	
Notices:	
Airfreight rate case; hearing....	6147
Civil Service Commission	
Rules and regulations:	
Filling competitive positions; temporary appointment in absence of eligibles.....	6111
Commerce Department	
See National Bureau of Standards.	
Commodity Exchange Authority	
Proposed rule making:	
Special provisions applicable to potatoes and onions; reports by onion shippers, merchandisers, processors, and dealers with onion futures open contracts of specified size.....	6142
Commodity Stabilization Service	
Rules and regulations:	
Local producing area for 1954-55 crop:	
Añasco and San Sebastián, Puerto Rico.....	6111
Mayagüez, Puerto Rico.....	6111



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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) (\$2.25)

Title 38 (\$2.00)

Titles 44-45 (\$1.00)

Title 50 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 6 (\$1.75); Title 7: Parts 1-209 (\$1.25), Parts 210-899 (Rev., 1955) with Supplement (\$4.50), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-399 (\$2.50), Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) Parts 1-220 (Rev., 1955) (\$2.00); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. 1, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Title 39 (Rev., 1955) (\$4.25); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 44: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Titles 47 and 48 (\$2.25); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization Office

Notices:	
Appointees' statements of changes in business interests:	
Holub, David C.	6152
Killian, J. R., Jr.	6152
Livermore, Shaw	6152
Ruttenberg, Stanley	6152

Federal Communications Commission

Rules and regulations:	
Public fixed stations and stations of the maritime services in Alaska	6114

Federal Power Commission

Notices:	
Hearings, etc.:	
Hunt, N. B.	6150
Phillips Petroleum Co.	6151
Skelly Oil Co.	6150
Southern Nevada Power Co.	6150
Village of Franklin, Ill., et al.	6150

Federal Trade Commission

Rules and regulations:	
Cease and desist orders:	
Glove City Chamois Company, Inc., et al.	6127
Kaplan, N. L., Inc., et al.	6128
Minute Maid Corp.	6129
Premier Knitting Company, Inc., et al.	6126
United Cigar-Whelan Stores Corp. and Product Advertising Corp.	6127

Fish and Wildlife Service

Rules and regulations:	
List of areas; miscellaneous amendments	6131
Pacific Region; fishing permitted	6131

Food and Drug Administration

Rules and regulations:	
Color certification; miscellaneous amendment	6129

General Services Administration

Notices:	
Deputy Administrator; delegation of certain authorities	6151

Health, Education, and Welfare Department

See Food and Drug Administration; Old-Age and Survivors Insurance Bureau.

Interior Department

See Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

Internal Revenue Service

Proposed rule making:	
Income tax; taxable beginning after Dec. 31, 1953 (2 documents)	6131
Rules and regulations:	
Income tax; taxable years beginning after Dec. 31, 1953; exclusion of unincorporated organization from treatment as partnership	6130

Interstate Commerce Commission

Notices:	
Fourth section applications for relief	6151

CONTENTS—Continued

Justice Department

See Alien Property Office.

Labor Department

See Public Contracts Division.

Land Management Bureau

Notices:	
Alaska:	
Proposed withdrawal and reservation of lands (2 documents)	6148, 6149
Revocation of orders opening lands under Forest Homestead Act	6149
Utah; Power Site Reserve No. 7, adjustment	6148

National Bureau of Standards

Rules and regulations:	
Atomic and radiation physics; calibration of alpha ray sources	6113
Standard samples and reference samples used by National Bureau of Standards; descriptive list	6113

Old-Age and Survivors Insurance Bureau

Rules and regulations:	
Filing of single wage report where individual is jointly employed by more than one employer	6129

Public Contracts Division

Proposed rule making:	
Battery industry; determination of prevailing minimum wages	6142

Reclamation Bureau

Notices:	
American River Division, Central Valley Project, Calif.; order of revocation	6149

Securities and Exchange Commission

Notices:	
Hearings, etc.:	
Appalachian Electric Power Co.	6154
Columbia Gas System, Inc., and Columbia Gas System Service Corp.	6154
Dix Uranium Corp.	6153
Philadelphia Co.	6153
Uranium Oxide Producers, Inc.	6153

Proposed rule making:	
Statement of policy with respect to use, form and content of sales literature employed in sale of investment securities	6146

Small Business Administration

Notices:	
Declaration of disaster areas: Colorado	6152
Utah	6152

Social Security Administration

See Old-Age and Survivors Insurance Bureau.

Treasury Department

See Internal Revenue Service.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 2	6111
Title 7	
Chapter VIII:	
Part 847 (2 documents)	6111
Chapter IX:	
Part 910	6113
Part 924 (proposed)	6133
Part 941 (proposed)	6136
Part 964 (proposed)	6140
Title 15	
Chapter II:	
Part 204	6113
Part 230	6113
Title 16	
Chapter I:	
Part 13 (5 documents)	6128-6129
Title 17	
Chapter I:	
Part 6 (proposed)	6142
Chapter II:	
Part 231 (proposed)	6146
Part 239 (proposed)	6146
Part 271 (proposed)	6146
Part 274 (proposed)	6146
Title 20	
Chapter III:	
Part 404	6129
Title 21	
Chapter I:	
Part 9	6129
Title 26 (1954)	
Chapter I:	
Part 1	6130
Proposed rules (2 documents)	6131
Title 41	
Chapter II:	
Part 202 (proposed)	6142
Title 47	
Chapter I:	
Part 14	6114
Title 50	
Chapter I:	
Part 17	6131
Part 31	6131

ervation Caribbean Area Office hereby determines that two wards of the municipality of Añasco and one ward of the municipality of San Sebastián shall constitute one local producing area for the 1954-55 crop year, as follows:

§ 847.5 *Añasco and San Sebastián, Puerto Rico.* For the 1954-55 crop year, the wards of Río Arriba and Corcovada of the municipality of Añasco, and ward Altosano of the municipality of San Sebastián, Puerto Rico, shall constitute one local producing area.

STATEMENT OF BASES AND CONSIDERATIONS

The three wards specified herein are adjacent to one another, and are designated as one local producing area for determining eligibility of sugarcane

farms located therein for acreage abandonment or crop deficiency payments with respect to the 1954-55 crop of sugarcane as provided in the Sugar Act of 1948, as amended. Flood conditions in these wards reduced the yields of sugar below 80 percent of the normal yields for the farms whose harvested sugarcane acreage for the 1954-55 crop was more than 10 percent of the total sugarcane acreage of such crop harvested from all farms in such wards.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

[SEAL]

G. LAGUARDIA,
Director, Agricultural Stabilization and Conservation
Caribbean Area Office.

JULY 30, 1956.

[F. R. Doc. 56-6635; Filed, Aug. 15, 1956; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910; 19 F. R. 3019), regulating the handling of vegetables grown in certain designated counties in Colorado, was published in the FEDERAL REGISTER July 19, 1956 (21 F. R. 5419). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the San Luis Valley Vegetable Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 910.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to \$1,650.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be six-tenths of one cent (\$0.006) per bushel of peas or crate of cauliflower, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and Order No. 10, as amended. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL]

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6582; Filed, Aug. 15, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 204—ATOMIC AND RADIATION PHYSICS

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

CALIBRATION OF ALPHA RAY SOURCES; DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

1. A new schedule, § 204.902 *Calibration of alpha ray sources*, is added under Radioactivity to read as follows:

Item	Description	Fee
204.902a	Calibration of alpha emitting standard supplied by customer.	\$15.00

2. In § 230.11 *Descriptive list*, the schedule in paragraph (p) *Standards for rubber compounding*, is amended by the addition of a new sample to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
386	Styrene-butadiene rubber.	34,000	\$27.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

WALLACE R. BRODE,
Acting Director,
National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-6613; Filed, Aug. 15, 1956; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Because of the number of outstanding amendments to Part 14 since it was last published in the FEDERAL REGISTER (May 24, 1955, 20 F. R. 3607), Part 14 is recapitulated as of August 15, 1956, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DEE W. PINCOCK,
Acting Secretary.

- Sec. 14.1 Basis and purpose.
- Subpart A—Definition of Terms
- 14.2 General definitions.
- 14.3 Geographic definitions.
- 14.4 Definitions in other parts applicable.
- Subpart B—Applications
- 14.21 Authorization required for operation of a radio station.
- 14.22 Application precedent to authorization.
- 14.23 One application for fixed and coast station.
- 14.24 Affirmative showing of need for service.
- 14.25 Rules in other parts applicable.
- Subpart C—Station Authorization
- 14.61 License period of fixed coast and ship stations.
- 14.62 One authorization for fixed and coast stations.
- 14.63 Dispatch points.
- 14.64 Discontinuance of operation of a station on land.
- 14.65 Rules in other parts applicable.
- Subpart D—Station and Operating Requirements
- 14.101 Priority of distress and other signals.
- 14.102 Practices concerning transmission of public correspondence.
- 14.103 Hours of service of fixed stations.
- 14.104 Coast station facilities for 2182 kc.
- 14.105 Fixed and coast station operating arrangements.
- 14.106 Documents required for fixed stations.
- 14.107 Documents required for coast stations.
- 14.108 Documents required for ship stations.
- 14.109 Fixed and coast station records.
- 14.110 Ship station records.
- 14.111 Coast station communication.
- 14.112 Coast station working frequency required.
- 14.113 Suspension of coast station watch.
- 14.114 Use of developmental fixed stations.
- 14.115 Rules in other parts applicable.

Subpart E—Standard Technical Requirements

- 14.151 Authorized frequency tolerance.
- 14.152 Authorized classes of emission.
- 14.153 Authorized transmitter power.
- 14.154 Modulation limiter for fixed and coast stations.
- 14.155 Rules in other parts applicable.

Subpart F—Assignment and Use of Fixed Service Frequencies

- 14.201 Cooperative use of frequency assignments.
- 14.202 Protection of government services.
- 14.203 Alternate transmission on same radio-channel.
- 14.204 Frequencies assigned for use in all zones.

- Sec. 14.205 Frequencies assigned for use in particular zones.
- 14.206 Frequencies for communication with ACS.
- 14.207 Use of United States Government frequencies.
- 14.208 Extended interim use of conditional fixed service frequencies.
- 14.209 Temporary frequencies for treaty implementation.

Subpart G—Assignment and Use of Maritime Service Frequencies

- 14.251 Cooperative use of frequency assignments.
- 14.252 Protection of government services.
- 14.253 Alternate transmission on same radio-channel.
- 14.254 Frequencies to be used for distress signals.
- 14.255 Ship station frequencies for use in all zones for telephony only.
- 14.256 Coast station frequencies for use in all zones for telephony only.
- 14.257 Safety frequencies for ship and coast stations in all zones using telephony.
- 14.258 Frequencies for ship-to-ship communication in all zones by telephony.
- 14.259 Frequencies for ship-shore and ship-to-ship communication by telephony or telephony in all zones.
- 14.260 Frequencies for ship-shore public telephone service in all zones.
- 14.261 Frequencies above 156 Mc for business and operational purposes.
- 14.262 Use of marine utility stations.
- 14.263 Frequencies for temporary use in all zones.
- 14.264 Frequencies assigned for use in particular zones.
- 14.265 Rules in other parts applicable.
- 14.266 Extended interim use of conditional maritime service frequencies.
- 14.267 Temporary frequencies for treaty implementation.

AUTHORITY: §§ 14.1 to 14.267 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 14.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions, to issue licenses for radio stations, and to regulate common carriers of interstate and foreign communication.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which frequencies may be made available for radio-communication, including public correspondence, in the maritime mobile service for the Territory of Alaska and between fixed points on land within that Territory.

SUBPART A—DEFINITION OF TERMS

§ 14.2 *General definitions.*—(a) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the United States Army Signal Corps.

(b) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(c) *Fixed service.* A service of radio-communication between specified fixed points.

(d) *Fixed station.* A station in the fixed service.

(e) *Alaska-public fixed station.* A fixed station in the Territory of Alaska, which is open to public correspondence and is licensed by the Commission for radio-communication between specified fixed points in Alaska exclusively.

(f) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(g) *Point of communication.* This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

NOTE: Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property, shall be considered as a safety service.

§ 14.3 *Geographic definitions.*—(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska Area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131 degrees west longitude, thence due south to 54 degrees and 30 minutes north latitude, thence due west to 142 degrees west longitude, thence due south to 59 degrees north latitude, thence due west to 165 degrees west longitude, thence due south to 47 degrees north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is established by the Atlantic City Radio Regulations, 1947), thence generally northward along this boundary line to 80 degrees north latitude, thence due east to 135 degrees west longitude, thence due south to 70 degrees north latitude, thence due west to 140 degrees west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142 degrees west longitude and south of 61 degrees north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61 degrees north latitude which coincides with 142 degrees west longitude, and by a line north of 61 degrees north latitude which

coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61 degrees north latitude which joins those two lines; and bounded on the west by a line south of 62 degrees north latitude which coincides with 149 degrees west longitude, thence running due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62 degrees north latitude.

Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62 degrees north latitude and extends eastward from 155 degrees west longitude to 149 degrees west longitude, thence due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155 degrees west longitude, thence due north to 62 degrees north latitude.

Zone 4. That portion of the Alaska area west of 155 degrees west longitude which is bounded on the north by a line coinciding with 62 degrees north latitude extending due west to 164 degrees west longitude, thence bounded on the west by a line coinciding with 164 degrees west longitude extending due south to 58 degrees north latitude, thence bounded on the north by a line coinciding with 58 degrees north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155 degrees west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155 degrees west longitude and north of 62 degrees north latitude.

Note: See Figure 1 following Subpart G of this part.

§ 14.4 Definitions in other parts applicable. (a) The definitions set forth in the rules and regulations governing stations in the maritime services (Subpart A of Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) The definitions set forth in the following sections of Subpart A of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.2 (a) to and including 7.2 (c), 7.2 (q), 7.7 (a) to and including 7.7 (h), 7.7 (j), 7.7 (m), 7.7 (n) and 7.8.

SUBPART B—APPLICATIONS

§ 14.21 Authorization required for operation of a radio station. (a) Radio stations in the Alaska area required by the Communications Act to be licensed shall not be operated in the fixed service, in the maritime mobile service, or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission. Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

Note: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15 of this chapter, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial

heating, and other miscellaneous purposes not involving radio-communication are set forth in part 18 of this chapter, Industrial, Scientific and Medical Service.

(b) No license shall be issued by the Commission for the operation of any station on land subject to this part for which a permit for construction is required unless such permit has first been granted by the Commission upon written application therefor: *Provided*, That when applications for related construction permit and station license are filed under and in accordance with the provisions of § 7.39 (a) (2) of this chapter, a construction permit and station license for a fixed or coast station subject to this part may be granted at the same time.

§ 14.22 Application precedent to authorization. (a) Except as otherwise provided in §§ 7.26 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.26, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, no authorization will be granted for use or operation of any radio station subject to this part, nor for any change in station control, services, or transmitting apparatus, unless formal written application therefor in proper form first is filed with the Commission. Except as otherwise permitted by § 14.23 or by applicable rules in Parts 7 and 8 of this chapter (including such rule sections applicable to Alaska-public fixed stations as are designated in § 14.24), a separate application shall be filed in respect to each station and service subject to this part. Except as otherwise provided in §§ 7.32, 7.36 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.35, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization (or change in authorization) be granted by the Commission in order that action thereon may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form or otherwise specifically requested by the Commission.

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) All applications for renewal of station license (when continued operation without change is desired) shall be filed direct with the Commission at its offices at Washington 25, D. C.

(d) All applications for authority to operate ship stations, including correspondence relating thereto, shall be filed direct with the Commission at its offices in Washington 25, D. C., or with respect to applications for interim ship station

licenses made pursuant to § 8.35 of this chapter, at a Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only. The provisions of this paragraph shall apply to each application for license, modification of license, or renewal of license.

(e) When an application for construction permit for an Alaska-public fixed station or a public coast station is filed by a corporation, a copy of the applicant's articles of incorporation certified by the Secretary of the State or Territory of the place of incorporation, or certified otherwise by an appropriate public official, shall, unless previously filed with the Commission, be submitted with such application.

(f) With reference to the provisions of § 7.25 of this chapter, applications for station authorizations submitted from any location in Alaska may be signed by the attorney for the applicant in case of (1) physical disability of the applicant or (2) absence of the applicant from Alaska.

Note: Standard forms are prescribed in applicable rule sections of Parts 7 and 8 of this chapter for use in connection with the majority of applications submitted for Commission consideration under the provisions of this part. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices. With reference to the required signature of applications under oath or affirmation, postmasters in Alaska are authorized by Act of Congress (Public Law 294, 76th Congress, approved August 5, 1939) to administer oaths and affirmations.

§ 14.23 One application for fixed and coast station. (a) In addition to the provisions of § 7.40 (a) (3), (4) and (b) of this chapter, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

- (1) Application for construction permit;
- (2) Application for license;
- (3) Application for modification of construction permit or license when the desired modification will apply similarly to both classes of station;
- (4) Application for renewal of license.

(b) The provisions of paragraph (a) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included therein.

§ 14.24 Affirmative showing of need for service. Only one Alaska-public fixed or public coast station will be authorized to serve any area whose point-to-point or ship-shore communication needs can be adequately served by a single radio-communication facility, either government (ACS) or non-government.

§ 14.25 Rules in other parts applicable. (a) The rules relating to applications set forth in the rules and regulations governing stations in the maritime services (Subparts B of Parts 7 and 8 of this

chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart B of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.23, 7.25 to and including 7.37, 7.39 (a), 7.40 (a) (3), (4) and (b), 7.41 to and including 7.45, 7.47, and 7.48.

SUBPART C—STATION AUTHORIZATION

§ 14.61 *License period of fixed, coast and ship stations.* Unless otherwise specified in the license, the normal license period (including renewed licenses) for each Alaska-public fixed station, each coast station in Alaska, and each ship station operated primarily in the Alaska area, shall be four years from the effective date of grant.

NOTE: The license period of the other classes of stations in the maritime services is designated in Subpart C of Parts 7 and 8 of this chapter.

§ 14.62 *One authorization for fixed and coast stations.* (a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of an Alaska-public fixed station and a public coast station in the Alaska area when—

(1) The licensee or permittee of each class of station is the same;

(2) The location of each class of station is identical;

(3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(b) Whenever a single station authorization is issued in accordance with paragraph (a) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of frequency tuning range, technical adjustment, power, frequency stability, emission, etc. of being so used.

§ 14.63 *Dispatch points.* Any dispatch point in connection with an Alaska-public fixed station or a coast station in the Alaska area may be installed and used without obtaining any authorization from the Commission: *Provided*, That information relative to the location of each regularly used dispatch point, which is not located at an authorized control point and is located more than 500 feet from the authorized radio transmitting apparatus, shall be submitted by the station licensee to the Commission for record purposes at the earliest practicable date after such dispatch point is established.

NOTE: The term "dispatch point" is defined in § 7.7 (n) of this chapter.

§ 14.64 *Discontinuance of operation of a station on land.* (a) When the opera-

tion of a station on land in the Alaska area subject to this part, or Part 7 of this chapter, is permanently discontinued, the licensee shall, as soon as practicable, notify the Commission's engineer in charge at Anchorage, Alaska.

(b) If the station license covers authorization only for the particular station whose operation has been permanently discontinued, the licensee shall, without undue delay, forward the station license to the Commission's engineer in charge at Seattle, Washington, for cancellation by the Commission at its Washington, D. C., office.

(c) If the station license also covers authorization for a different class of station at the same location whose operation is not being permanently discontinued, the licensee shall, without undue delay, file with the Commission's engineer in charge at Seattle, Washington, a formal application for appropriate modification of license.

(d) With respect to stations on land in the Alaska area, including Alaska-public fixed stations, the provisions of this section shall apply in lieu of § 7.76 of this chapter.

§ 14.65 *Rules in other parts applicable.*

(a) The rules relating to station authorizations set forth in the rules and regulations governing stations in the maritime services (Subparts C of Parts 7 and 8 of this chapter) shall, except paragraphs (b) and (c) of § 7.72 and subparagraphs (1) and (2) of § 7.63 (b), apply to stations of these services in the Alaska area so far as they are consistent with this part. Further, with respect to the use of telegraphy on frequencies exclusively within the band 156.25–157.05 Mc, by limited coast stations in the Alaska area, the provisions of §§ 7.351, 7.352, 7.354, and 7.355 of this chapter shall apply to such operation, and the provisions of §§ 7.203, 7.204, and 7.205 shall not apply thereto.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart C of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.61, 7.62, 7.64, 7.66, 7.67, 7.69, 7.70, 7.71 (a), and (b) and 7.73. Section 7.63, except subparagraphs (1) and (2) of paragraph (b), shall apply to stations of the fixed service subject to this part.

SUBPART D—STATION AND OPERATING REQUIREMENTS

§ 14.101 *Priority of distress and other signals.*

(a) Stations operating in the fixed service or the maritime mobile service in the Alaska area shall, at all times, give absolute priority to radio communications or signals relating to any ship or aircraft in distress. When any distress signal or communication is anticipated or intercepted by any station, it shall cease all transmission on any frequency or frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

(b) Stations of the maritime mobile service shall observe priority of com-

munications in accordance with the requirements of §§ 7.180, 7.181, 8.176 and 8.177 of this chapter. Alaska public fixed stations, when operating on an assigned frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in paragraph (a) of this section, and to urgent or safety signals, or any communication preceded by one of these signals.

NOTE: The type of signals to which reference is made in § 14.101 are defined in §§ 7.7 (d), (e), (f) and (g) and 8.6 (d), (e), (f) and (g) of this chapter.

§ 14.102 *Practices concerning transmission of public correspondence.*

(a) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by an Alaskan public fixed station, or any public coast station or public ship station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Washington.

(b) Except in event of an emergency concerning the immediate safety of life or property, no Alaska-public fixed station, public ship station, or public coast station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilities if and when required) such telecommunication to the designated recipient.

§ 14.103 *Hours of service of fixed stations.*

(a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operation before having concluded, when possible within the scope of its normal operations, all communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided*, That

such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

Note: The hours of service of public coast stations and ship stations are regulated by §§ 7.186 and 8.183 of this chapter.

§ 14.104 *Coast station facilities for 2182 kc.* Each public coast station in the Alaska area licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency with antenna power not less than the maximum antenna power which it is capable of using for transmission by telephony on any other authorized radio frequency in this band; except that in any event the required antenna power on 2182 kc need not be more than 100 watts when no modulation is present.

§ 14.105 *Fixed and coast station operating arrangements.* (a) The requirements of § 7.106 (a), (b), (c), (d), and (e) (2) of this chapter, applicable to coast stations and providing for certain operating controls to expedite communication and conserve the use of frequencies, shall apply to Alaska-public fixed stations and coast stations subject to this part: *Provided*, That for these stations the date of required compliance with paragraphs (c) and (d) and (e) (2) of that section shall be not later than May 1, 1957.

(b) The requirements of § 7.106 (e) (1), (f), (g) and (h) of this chapter concerning certain operating controls shall apply to coast stations subject to this part: *Provided*, That the date of required compliance with paragraph (g) (1) of that section shall be not later than May 1, 1957.

(c) The radio equipment of each station subject to this part must be capable of permitting reception of the class or classes of emission on the frequency or frequencies used in accordance with the provisions of this part for the service carried on by the particular station. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the station.

§ 14.106 *Documents required for fixed stations.* (a) Each Alaska-public fixed station shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102 (a) and (b) of this chapter;

(2) The necessary operator license or licenses, available in accordance with § 7.155 of this chapter;

(3) The station log as designated in § 14.109;

(4) This part and Part 7 of this chapter.

(b) These documents shall be continuously and readily available to the li-

censed operator on duty during the hours of service of the station.

§ 14.107 *Documents required for coast stations.* (a) Each public coast station in the Alaska area using telegraphy shall be provided with this part and the documents prescribed in § 7.213 (a) of this chapter: *Provided*, That in public coast stations authorized to use telegraphy on frequencies solely within the band 1605-5000 kc, the following documents may be substituted in lieu of the documents specified by paragraph (a) (4), (5) and (6) of § 7.213 of this chapter:

(1) A complete list of coast stations (including call signs) located in the Alaska area (including coast stations of the ACS), open to public correspondence, and authorized to transmit on frequencies within the band 1605-5000 kc;

(2) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and authorized to transmit on frequencies within the band 1605-5000 kc;

(b) Each limited coast station in the Alaska area authorized to use telegraphy on a frequency or frequencies below 30 Mc shall be provided with this part and the documents prescribed in § 7.213 (b) of this chapter.

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter: *Provided*, That in Class II public coast stations that do not provide communication with ocean-going vessels, the documents specified in paragraph (a) (1) and (2) of this section may be substituted in lieu of the international "Alphabetical List of Call Signs" and the international "List of Coast Stations and Ship Stations."

(d) Each limited coast station in the Alaska area using telephony on any authorized frequency, and/or authorized to use telegraphy on frequencies solely above 30 Mc, shall be provided with this part and with the documents prescribed in § 7.369 of this chapter.

(e) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.108 *Documents required for ship stations.* (a) Each ship station in the Alaska area using telegraphy shall be provided with this part and the documents listed in § 8.329 of this chapter; except that in any ship station using telegraphy and located on board a vessel not compulsorily fitted with a radiotelegraph installation while in the Alaska area or while engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada:

(1) The following documents may be substituted in lieu of those specified in paragraph (a) (4) and (5) of § 8.329 of this chapter if the ship station uses telegraphy on frequencies solely within the band 1605-5000 kc, or solely within the latter band and the band 156.35-156.95 Mc;

(i) A complete list of coast stations (including call signs) which are author-

ized to transmit on frequencies within the band 1605-5000 kc, which are open to public correspondence, or which maintain watch on 2182 kc or 2091 kc and are located in the Alaska area (including coast stations of ACS) and on the Pacific seaboard of the continental United States and Canada;

(ii) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and/or on voyages between Alaska and other places on the Pacific seaboard of the continental United States or Canada, and authorized to transmit on frequencies within the band 1605-5000 kc;

(2) The documents specified in paragraph (a) (4) and (5) of § 8.329 of this chapter or the substitutes therefor specified in subparagraph (1) of this paragraph need not be provided if the ship station uses telegraphy on frequencies solely within the band 156.35-156.95 Mc.

(b) Each ship station in the Alaska area using telephony only (except telegraphy for calling and operating signals incidental to the use of telephony) shall be provided with this part and the documents set forth in § 8.367 of this chapter: *Provided*, That ship stations on vessels engaged on international voyages solely between Alaska and other places on the Pacific seaboard of the continental United States and Canada (either within or outside inland waters of the United States or Canada) must, if they operate on frequencies within the band 1605-5000 kc, be provided with the documents specified in paragraph (a) (1) (iv) and (v) of § 8.367 of this chapter or in lieu thereof the documents prescribed in subparagraph (1) of paragraph (a) of this section.

(c) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.109 *Fixed and coast station records.* (a) Each Alaska-public fixed station and each public coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required for public coast stations by §§ 7.214 (a) and 7.314, respectively, of this chapter: *Provided*, That coast stations, with respect to operation on frequencies within the bands 1605-5000 kc and 156.35-162.05 Mc, and all Alaska-public fixed stations, may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

(b) Each limited coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 7.214 (b) and 7.370, respectively, of this chapter.

§ 14.110 *Ship station records.* Each ship station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 8.330 and 8.711 for telegraphy, and 8.368 for telephony, of this chapter: *Provided*, That with respect to operation on frequencies within the bands 1605-5000 kc and 156.25-157.45 Mc,

ship stations in the Alaska area and on board vessels engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada may express the time of making each log entry in local standard time in the same manner as is permitted by §§ 8.330 (d) and 8.368 of this chapter for ship stations navigated on inland waters of the United States.

§ 14.111 Coast station communication. (a) Except as otherwise stated in paragraphs (b) and (c) of this section, the provisions of § 7.302 of this chapter shall apply to public coast stations subject to this part.

(b) In lieu of the provisions set forth in § 7.302 (a) (3) and (4) of this chapter, public coast stations in the Alaska area using telephony are authorized to communicate with public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations for the transmission or reception of public correspondence when the mobile station uses telephony on a radio-channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the mobile station and the coast station transmit alternately on the same radio-channel.

(c) In lieu of the requirement of § 7.302 (b) (2) (1) of this chapter, the station with which communication is carried on shall transmit to the coast station on a radio-channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the fixed station and the coast station transmit alternately on the same radio-channel.

§ 14.112 Coast station working frequency required. Coast stations in the Alaska area using telephony shall be regarded as complying with § 7.104 (c) (1) of this chapter when the particular coast station is capable also of transmitting and receiving (and is licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 1605 to 3500 kc in lieu of the band 2000 to 35000 kc.

§ 14.113 Suspension of coast station watch. If, for any reason, a watch on 500 kc or 2182 kc maintained by a coast station, licensed for continuous or definite hours of service, is suspended, impaired, or discontinued during the regular season of operation of that station, notification thereof shall be given at the earliest practicable time by the station licensee to the nearest station or office of the U. S. Coast Guard or the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's engineer in charge at Anchorage, Alaska. This notification shall include a statement of any estimated time of resumption of such watch if it has been sus-

pended only, and shall state the reason for suspension, impairment, or discontinuance of the watch. When such watch is resumed after being suspended, or when impairment thereof no longer exists, notification of this fact likewise shall be given at the earliest practicable time. The provisions of this section shall apply to coast stations in the Alaska area in lieu of the provisions of §§ 7.74 and 7.75 of this chapter.

§ 14.114 Use of developmental fixed stations. (a) Developmental fixed stations subject to this part shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, assignment of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

NOTE: The rules applicable to developmental coast stations and developmental stations on board ship are contained in Subpart M of Part 7 and Subpart Q of Part 8, respectively, of this chapter.

§ 14.115 Rules in other parts applicable. (a) The rules relating to station and operating requirements and other rules set forth in the rules and regulations governing stations in the maritime services (Subpart D and Subparts F through P of Part 7 of this chapter, and Subpart D and Subparts F through V of Part 8 of this chapter) shall, except as otherwise specifically provided in this part, apply to stations of these services in the Alaska area so far as they are consistent with this part.

Class of emission in use	Class of radio frequency amplifier used in last stage of transmitter	Plate (anode) input power in use	Frequency band	Percent tolerance
A0, A1, A2, A2a, A2b	Any class for telegraphy	More than 300 watts	1605-3400 kc	0.001
		More than 750 watts	5000-9000 kc	0.001
	Class C; plate, or plate and screen-grid modulated.	More than 300 watts	1605-3400 kc	0.001
	Class C; control, screen, or suppressor-grid modulated.	More than 750 watts	5000-9000 kc	0.001
		More than 600 watts	1605-3400 kc	0.001
		More than 1,500 watts	5000-9000 kc	0.001
A2, A2a, A2b, A3, A3a, A3b; also A0 or A1 as produced by the unmodulated carrier or by the keyed unmodulated carrier, respectively.	Class C; cathode modulated.	More than 480 watts	1605-3400 kc	0.001
		More than 1,200 watts	5000-9000 kc	0.001
	Class B; linear	More than 600 watts	1605-3400 kc	0.001
		More than 1,500 watts	5000-9000 kc	0.001
	Class BC; high efficiency	More than 350 watts	1605-3400 kc	0.001
		More than 900 watts	5000-9000 kc	0.001
	Other classes: primarily for telephony.	As specified in the station authorization.	1605-3400 kc	0.001
			5000-9000 kc	0.001

NOTE: See § 7.8 (hh) of this chapter for definition of plate (anode) input power.

§ 14.152 Authorized classes of emission. (a) Unless the particular station authorization specifically provides otherwise, the classes of emission authorized for coast stations and fixed stations subject to this part and ship stations when in the Alaska area shall, with

(b) So far as they are consistent with this part, the following rule sections contained in Subparts D, F, G, H, I, M, O and P of Part 7 of this chapter shall apply to stations of the fixed service subject to this part:

7.101	7.155	7.310
7.102 (a) (b)	7.171	7.311
7.107 (a)	7.173	7.501
7.108	7.174	7.502
7.109	7.175	7.503 (a)
7.110	7.179 (e)	7.505
7.111	7.190	7.506
7.115	7.191	7.507
7.116	7.192	7.551
7.151	7.209	7.552
7.152	7.210	7.601
7.154	7.211	7.602

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 14.151 Authorized frequency tolerance. (a) Unless the particular station authorization specifically provides otherwise, the frequency tolerance authorized for coast stations and fixed stations subject to this part shall be as prescribed in paragraphs (b) and (c) of this section. This section shall apply to coast stations subject to this part, in lieu of § 7.131 of this chapter except as to coast station operation within any frequency band not designated in this section.

(b) Authorized frequency tolerances:

Assigned frequencies	Class of station	Percent tolerance
From 50 to 515 kc	Fixed or coast	0.02
From 1605 to 3400 kc	do	0.01
On frequencies within the band from 5000 to 9000 kc	Fixed	0.01
On frequencies within the band from 4000 to 9000 kc	Coast	0.05
From 156.35 to 162.05 Mc	do	0.05

NOTE: The authorized frequency tolerances applicable to ship stations are set forth in § 8.131 of this chapter.

(c) Fixed stations which, in exceptional cases are authorized to use plate (anode) input power in excess of the respective value specified below shall, when using such higher power, maintain the respective frequency tolerance designated below:

Class of emission in use	Class of radio frequency amplifier used in last stage of transmitter	Plate (anode) input power in use	Frequency band	Percent tolerance
A0, A1, A2, A2a, A2b	Any class for telegraphy	More than 300 watts	1605-3400 kc	0.001
		More than 750 watts	5000-9000 kc	0.001
	Class C; plate, or plate and screen-grid modulated.	More than 300 watts	1605-3400 kc	0.001
	Class C; control, screen, or suppressor-grid modulated.	More than 750 watts	5000-9000 kc	0.001
		More than 600 watts	1605-3400 kc	0.001
		More than 1,500 watts	5000-9000 kc	0.001
A2, A2a, A2b, A3, A3a, A3b; also A0 or A1 as produced by the unmodulated carrier or by the keyed unmodulated carrier, respectively.	Class C; cathode modulated.	More than 480 watts	1605-3400 kc	0.001
		More than 1,200 watts	5000-9000 kc	0.001
	Class B; linear	More than 600 watts	1605-3400 kc	0.001
		More than 1,500 watts	5000-9000 kc	0.001
	Class BC; high efficiency	More than 350 watts	1605-3400 kc	0.001
		More than 900 watts	5000-9000 kc	0.001
	Other classes: primarily for telephony.	As specified in the station authorization.	1605-3400 kc	0.001
			5000-9000 kc	0.001

respect solely to frequencies within the following limits assigned in this part for use by such stations, be as set forth in the following paragraphs of this section. This section shall, solely in reference to such frequencies as are duly assigned in this part, apply to coast stations subject

to this part in lieu of § 7.132 of this chapter and to ship stations in the Alaska area in lieu of § 8.132 of this chapter.

(b) For stations authorized by this part to use telephony on a frequency or

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1664 kc. From 1625 to 1800 kc (except 1664 kc).	A-1, and for brief testing A-0.
Fixed	From 2000 to 2035 kc. From 2107 to 2400 kc.	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
Coast	From 415 to 490 kc.	A-1, and for brief testing A-0; A-2, A-2b, A-2b for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
Coast	From 490 to 515 kc.	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Ship	From 1625 to 1800 kc.	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Coast and ship	From 2000 to 2035 kc. From 2107 to 2400 kc.	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
Coast and ship	From 490 to 515 kc.	A-1, and for brief testing A-0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.8 Mc.	P-1, P-2, and for brief testing F-0.

(c) For stations authorized by this part to use telephony on a frequency or frequencies within the respective frequency ranges designated in this paragraph, the authorized classes of emission for telephony on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 1625 to 1800 kc. From 2000 to 2035 kc. From 2107 to 2400 kc.	A-3, A-3a, A-3b, and for brief testing A-0; also for brief operating signals A-1, A-2, A-2a, A-2b.
Coast and ship	From 1625 to 1800 kc. From 2000 to 2035 kc. From 2107 to 2400 kc.	A-3, A-3a, A-3b, and for brief testing A-0; also for brief operating signals A-1, A-2, A-2a, A-2b.
Do	From 156.4 to 156.8 Mc.	F-3, and for brief operating signals F-1 and F-2; also for brief testing F-0.

(d) As used in paragraphs (b) and (c) of this section, the letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier. For radiotelegraph communication, the use of class A2, A2a, or A2b emission is permissible only when the modulated emission is keyed. In telegraph communication, keying only the modulating audio frequency is not authorized except when used in connection with radiotelephone communication solely for transmitting brief operating signals. On assigned frequencies from 1605 kc to 9000 kc, any form of A2 emission for radiotelegraph communication shall not be permissible after May 1, 1957.

(e) Classes of emission not authorized in paragraphs (b) and (c) of this section

may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2, and to Subparts E of Parts 7 and 8 of this chapter.

§ 14.153 Authorized transmitter power. (a) Each fixed station and each coast station subject to this part, and each ship station when in the Alaska area, may use such antenna power as is necessary to carry on the service for

which the station is licensed, on condition that the respective maximum authorized transmitter power as set forth herein shall not be exceeded (subject to the provisions of §§ 7.110 (a) and 8.110 (a) of this chapter and the provisions of paragraph (b) of this section) when transmitting on any frequency, assigned and 4:

1	2	3	4	5
Class of emission in use	Class of radio frequency amplifier used in the last radio stage of transmitter	Frequency band	Class of station	Maximum authorized transmitter power
A0, A1	Any class for telephony.	From 50 to 200 kc. From 400 to 515 kc.	Fixed Coast or ship	650 watts, with or without modulation. 200 watts when no modulation is present.
A0, A1, A2, A2a, A2b	Any class for telephony. (Class C—plate, or plate and screen-grid modulated. Class C—control, screen or suppressor-grid modulated. Class C—outboard modulation. Class B—linear.	From 1605 kc to 9000 kc.	Fixed, coast or ship.	150 watts with or without modulation. 150 watts when no modulation is present.
A2, A2a, A2b, A3, A3a, A3b; also A0 and A1, provided the amplitude of the carrier shall not exceed its effective amplitude as used for telephony with the class of amplifier specified.	Class B C—high efficiency.	From 1605 kc to 9000 kc.	Fixed, coast or ship.	300 watts when no modulation is present. 240 watts when no modulation is present. 300 watts when no modulation is present.
F0, F1, F2, F3	Any class for frequency-modulated transmission. Other classes, primarily for telephony.	From 156.25 to 157.45 Mc. From 161.85 to 162.00 Mc.	Ship Coast Public coast	300 watts. [Limited—100 watts. Public—250 watts. 1,000 watts.

NOTE: As used in this part the terms "last radio stage", "plate (anode) input power", "antenna power", and "authorized transmitter power" are defined in Subparts A of Parts 7 and 8 of this chapter. See §§ 7.8 (gg), (hh), (ii), (kk), and 8.7 (ee), (ff), (gg), and (ii).

(b) The limitations governing the maximum authorized transmitter power set forth in paragraph (a) of this section may be exceeded when necessary: (1) By a ship or coast station to expedite communication concerning a ship or aircraft in distress; (2) To enable a ship station using a radio installation required for safety purposes by treaty or statute to satisfy the applicable transmitter power or communication range (distance) stipulated by such treaty or statute; or (3) To provide effective communication, under exceptional conditions, on an assigned frequency or frequencies within the band 1605 kc to 6000 kc between an Alaska-public fixed station and one or more fixed stations of the Alaska

Communication System. Such exceptional power, however, must be specifically requested in each case by the applicant or licensee and, before being used must be specifically authorized by the Commission. Except as may be otherwise determined by the Commission, such authorization will not be granted unless concurred in by the ACS. Each request for such authority must show at least that the local representative of the ACS has been fully informed thereof, and that technical means are available and can be used to reduce the power to not more than that permitted by paragraph (a) of this section when operating on assigned frequencies which would not be covered by such exceptional authorization.

(c) Unless the station license specifically provides otherwise, ship stations in the Alaska area shall, in addition to the provisions of this section, be subject to § 8.134 (c) (2) of this chapter in respect to minimum authorized transmitter

power on frequencies between 2000 kc and 25000 kc authorized for telephony, only when transmitted by telephony to a public coast station which is providing a direct electrical connection between the ship-shore radio channel in use and a public land-telephone system.

§ 14.154 *Modulation limiter for fixed and coast stations.* Except for transmitters used solely for developmental stations, each radiotelephone transmitter licensed for use and operation on a frequency or frequencies below 30 Mc in a fixed or coast station subject to this part shall, at the earliest practicable date and in no event later than May 1, 1957, always be used with a device that will automatically prevent modulation in excess of 100 percent. With respect to operation on frequencies below 30 Mc only, this section shall apply to coast stations located in the Alaska area in lieu of § 7.137 (a) of this chapter.

NOTE: For a similar requirement applicable to ship stations, reference is made to § 8.137 (a) of this chapter.

§ 14.155 *Rules in other parts applicable.* (a) The rules relating to standard technical requirements set forth in the rules and regulations governing stations in the maritime services (Subparts E of Parts 7 and 8 of this chapter) shall, except § 7.137 (a), apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, §§ 7.133 and 7.136 of this chapter shall apply to stations of the fixed service subject to this part.

SUBPART F—ASSIGNMENT AND USE OF FIXED SERVICE FREQUENCIES

§ 14.201 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.202 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a fixed station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.203 *Alternate transmission on same radio-channel.* Except for communication between licensed fixed stations and fixed stations of the Alaska Communication System as hereinafter specifically designated in this Subpart, all transmission, on each radio-channel assigned by this subpart, by two or more

stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided*, That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.204 *Frequencies assigned for use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part. These frequencies are authorized for use by stations located in any zone of the Alaska area, for communication with other licensed Alaska-public fixed stations located in any zone of the Alaska area:

(1) 149.6 for telegraphy only; the use of this frequency by non-government stations shall be shared with government stations of the ACS in accordance with §§ 14.201 and 14.206.

(2) 1622 for telegraphy and/or telephony; available (on a shared basis with maritime mobile service) for fixed service until not later than January 1, 1957, only to fixed stations licensed to transmit on this frequency before the effective date of this section: *Provided*, That after September 15, 1955, at each location where the use of this frequency by a fixed station causes harmful interference to the maritime mobile service, the fixed station shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(3) 2118 for telegraphy and/or telephony; available on a shared basis with maritime mobile service. The use of this frequency by fixed stations shall be coordinated with ship-to-shore communication on 2134 kc in the Alaska area so as to avoid harmful interference.

(4) 2382 for telegraphy and/or telephony; available (on a shared basis with maritime mobile service) for fixed service until not later than January 1, 1957, only to fixed stations licensed to transmit on this frequency before the effective date of this section: *Provided*, That after

September 15, 1955, at each location where the use of this frequency by a fixed station causes harmful interference to the maritime mobile service, the fixed station shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(5) 3201 for telegraphy and/or telephony; in so far as is practicable, fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(6) [Reserved]

(7) 5167.5 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(8) 8070 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6:00 a. m. to 6:00 p. m. local standard time, except in zone 4 west of 165 degrees west longitude where the hours of its use shall not be limited.

§ 14.205 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations employing telegraphy and/or telephony in accordance with Subpart E, of this part. These frequencies are authorized for use (on a shared basis—except 1660 kc—with stations of the maritime mobile service) exclusively by stations located in the zone or zones designated herein opposite the respective frequency; for use, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column, for communication with other Alaska-public fixed stations. In so far as is practicable, each station, when transmitting on any of these frequencies, shall communicate only with a station or stations located in its own zone or in a contiguous zone.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646.....	1652.....	1708.....	1646..... 1660 (b) 1708.....	1652.....	1646..... 1660 (b).....
1712..... 2006 (d) (e) 2422.....	2430 (k) (e).....	2422..... 2430 (e) (f) 2482 (e) (k) (g).....	2430 (e)..... 2450 (f)..... 2482 (e) (g).....	1712 (c)..... 2430 (e)..... 2506 (h).....	2450 (f)..... 2482 (e) (g) 2506 (h).....
2512.....	2512..... 2538.....	2512..... 2538.....	2512.....	2506 (h).....	
2566 (e)..... 2616 (d) (e) (i)..... 3261 (j).....		2566.....	2566..... 3261 (j).....	2566.....	

(b) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(c) To minimize interference to the service of stations in zone 4 operating on 1708 kc, use of the frequency 1712 kc in zone 5 is authorized only for stations located north of 62 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive; and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To provide for the most effective use of assigned frequencies available under this part and to minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (e) is applied is authorized for use in the respective zone for fixed service, exclusively by coast station licensees who operate a public coast station at the same location and on the same frequency for maritime mobile service; and, in order to serve adequately an industry in Alaska, have an established requirement for a radio-communication system of fixed service and maritime mobile service on a radio-channel common to both of these services.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, fixed stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(k) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (k) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

(l) To provide for continuance of existing fixed service in the Alaska area for a temporary period in which necessary changes in the frequency assign-

ments of certain stations may be effected, any fixed station at any authorized location in Alaska, which, before June 20, 1955, was licensed to transmit on one or more of the frequencies listed in paragraph (a) of this section for communication with any other fixed station in Alaska, may continue to transmit on such frequency or frequencies for the same purpose (without regard to the specific limitations and requirements set forth in paragraphs (a) through (k) of this section) until January 1, 1957. After that date, such station shall operate only in conformity with the provisions of those paragraphs: *Provided*, That after September 15, 1955, at each station location where such operation at variance with any of the provisions of paragraphs (a) through (k) causes harmful interference to the service of a licensed station operating in conformity with those paragraphs, or to any authorized government service, the station which is operating not in conformity with those paragraphs shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

NOTE: The frequencies designated in paragraph (a) of § 14.205 are additionally available (except 1660 kc) for maritime mobile service as provided in Subpart G of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of point-to-point and ship-shore communication.

§ 14.206 Frequencies for communication with ACS. (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part, for communication with fixed stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence: *Provided*, That to assure necessary coordination each Alaska-public fixed station when communicating with a fixed station of the ACS shall transmit only on a frequency listed in this section which is specifically designated for such use by that station in a written notification to the respective station licensee from the ACS in response to a written request therefor received by the ACS from that licensee. Likewise, the periods of time during which the licensed station may transmit on such frequency shall be those which are designated in such notification from the ACS. The particular ACS station(s) with which the licensed station may communicate and the specific ACS frequency or frequencies to be used for transmitting to the licensed station are designated by the ACS in its written notice to the station licensee:

(1) 149.6 for telephony only; normally for use at any appropriate location in the Alaska area.

NOTE: The frequency 149.6 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(2) 1666 for telephony only; normally for communication with ACS stations located at Ketchikan and Naknek. The

use of this frequency shall be coordinated as necessary with use of the frequency 1660 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The frequency 1666 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(3) 2256 for telegraphy and/or telephony; for communication with ACS stations located at Anchorage and Ketchikan.

(4) 2466 for telegraphy and/or telephony; normally for communication with ACS stations located at Wrangell, Petersburg, Naknek and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc, 2474 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(5) 2474 kc for telegraphy and/or telephony; normally for communication with ACS stations located at Sitka, Kodiak, Nome and Barrow. The use of this frequency shall be coordinated as necessary with use of the frequencies 2466 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(6) 2632 for telegraphy and/or telephony; normally for communication with ACS stations located at Cordova, Fairbanks, Bethel and Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 2616 kc by other stations in the Alaska area so as to avoid harmful interference.

(7) 2694 for telegraphy and/or telephony; for communication with ACS stations located at Juneau and Cold Bay.

(8) 2776 for telegraphy and/or telephony; for communication with ACS station located at Ketchikan.

(9) 3357 for telegraphy and/or telephony; for communication with ACS stations located at Fairbanks, Anchorage, and Juneau. The use of this frequency for communication with Anchorage shall be coordinated as necessary with use of the frequency 3353 kc by United States Government stations so as to avoid harmful interference to the latter. The use of 3357 kc for communication with Juneau, Fairbanks and Anchorage shall be coordinated as necessary with the use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The ACS station at Anchorage will act as coordinator between the non-Government stations transmitting to Anchorage on 3357 kc and the Government stations operating on 3353 kc.

(10) 3365 for telegraphy and/or telephony; for communication with ACS station located at Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 3357 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(11) 5137.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Anchorage and Ketchikan. The use of this frequency shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(12) 5207.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Juneau, Fairbanks and Kodiak. The use of this frequency (except in zone 4 west of 165 degrees west longitude) shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(13) Frequencies shown herein which are designated for transmission to particular ACS stations shall be utilized only for transmission to those stations except with respect to the frequencies 2466, 2474, 2632, 5137.5 and 5207.5 kc. In the case of these five frequencies, the ACS may designate other station locations depending upon operational requirements.

(b) When transmitting to any ACS fixed station on any frequency above 2000 kc authorized in paragraph (a) of this section, each Alaska-public fixed station shall use any class of emission permissible under applicable provisions of § 14.152 which is designated by the ACS; when such designation is not made by the ACS, the station licensee shall select the class of emission to be used in accordance with the provisions of § 14.152. In so far as is practicable when transmitting by means of telegraphy on any of these frequencies above 2000 kc, and subject to designation by the ACS as herein provided, class A1 emission only shall be used; after January 1, 1957, the use of class A2 emission for telegraphy on these frequencies above 2000 kc, under the provisions of § 14.152, is not permissible.

§ 14.207 *Use of United States Government frequencies.* Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by Alaska-public fixed stations when such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government provided the Commission determines, after consultation with the appropriate Government agency or agencies, that such assignment is in the public interest.

§ 14.208 *Extended interim use of conditional fixed service frequencies.* With respect to each assigned frequency authorized by this subpart to be used by certain fixed stations until not later than January 1, 1957, those stations may, if the respective station licensee has made proper application not later than January 1, 1957 for renewal of the respective fixed station license, continue to transmit on such frequency for fixed service until the date on which the licensee receives the renewed license, or pending Commission action on the respective application until May 1, 1957, whichever date first occurs.

§ 14.209 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

SUBPART G—ASSIGNMENT AND USE OF MARITIME SERVICE FREQUENCIES

§ 14.251 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a ship or coast station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.252 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a ship or coast station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.253 *Alternate transmission on same radio-channel.* Except for communication between coast stations of the Alaska Communication System and licensed ship stations as hereinafter specifically designated in this subpart, all transmission, on each radio channel within the frequency-band 1605 kc-2035 kc, 2107 kc-9000 kc, or 156.25 Mc-157.25 Mc assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided*, That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.254 *Frequencies to be used for distress signals.* (a) In case of distress in the maritime service, the frequency to be used shall be the international radiotelegraph distress frequency 500 kc with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc or use A2 emission shall, if possible, use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. It may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services.

(c) No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, sig-

naling its position, and obtaining help. No provision of this part shall prevent a mobile station in distress from using any frequency assigned by this part for the transmission of distress signals or distress communications in the event it is impossible, impracticable, or ineffective for such station to use the frequency 500 kc or 2182 kc to draw attention, signal its position and obtain help.

NOTE: To determine the detailed procedure to follow in case of distress in the maritime mobile service, refer to Subpart J of Part 8 and § 7.187 of this chapter.

§ 14.255 *Ship station frequencies for use in all zones for telegraphy only.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by ship stations in any zone of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with other stations of the maritime mobile service using telegraphy:

500—for calling and distress as provided in § 14.254 of this subpart and in Subparts J and N of Part 8 of this chapter.

425, 448, 454, 468, 480—for working as provided in Subpart N of Part 8 of this chapter.

410—for maritime radionavigation service (radio direction-finding) as provided in Subpart P of Part 8 of this chapter. In addition to the transmission of specific signals for direction-finding, this frequency may be used for communication by telegraphy with direction-finding stations in connection with established international operating procedure relative to radiolocation by means of direction-finding.

444—exclusively for communication with United States Government stations; the use of this frequency for any other communication (except distress) is not authorized. The use of this frequency shall not cause harmful interference to the service of any coast station.

(b) (1) The frequency 2091 kc is the Region 2 (including the Alaska area) international calling frequency for ship stations using telegraphy within the band 2065-2107 kc. This frequency shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065-2107 kc or with coast stations using telegraphy and operating within the band 2035-2065 kc. Additionally in the Alaska area, this frequency may be used as a calling frequency to establish communication with ship or coast stations using telegraphy and operating within the band 1605-2035 kc or 2107-3400 kc. Transmission by ship stations for the purposes herein set forth on any calling frequency within the band 2088.5-2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. (These alternative calling frequencies are 2089, 2089.5, 2090, 2090.5, 2091.5, 2092, 2092.5 and 2093 kc.) The use of the frequency 2091 kc or any other calling frequency within the band 2088.5-2093.5 kc by ship stations for purposes other than those set forth herein (except for distress traffic) is not authorized. A ship station, after establishing

communication on a calling frequency within this band, shall change to an authorized telegraph working frequency for the transmission of message traffic by means of telegraphy.

(2) Working frequencies within the band 2065-2107 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are authorized for use as assigned frequencies by ship stations using telegraphy in the Alaska area in accordance with the applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

(c) Assigned calling and working frequencies below 405 kc and within the band 4000-25000 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are available for use by ship stations in the Alaska area using telegraphy and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.256 *Coast station frequencies for use in all zones for telegraphy only.* Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area, in accordance with § 7.202 of this chapter:

500—for calling and distress as provided in §§ 7.187, 7.207 (a), 7.208 (b), and 7.212 of this chapter.

416 and 438—for working as provided in Subpart H of Part 7 of this chapter.

2052.5—calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2065-2107 kc.

§ 14.257 *Safety frequencies for ship and coast stations in all zones using telephony.* Each of the following frequencies is authorized as an assigned frequency for telephony for use by ship and coast stations in all zones of the Alaska area in accordance with the provisions of Subparts I and J of Part 7 and Subpart O of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part:

2182—for distress, calling and safety purposes; ship-shore and ship-to-ship;

156.8 Mc—primarily for calling and safety purposes; ship-shore and ship-to-ship;

156.7 Mc—primarily for communication between ship stations and limited coast stations for the exchange of information essential to maritime radiolocation service.

§ 14.258 *Frequencies for ship-to-ship communication in all zones by telephony.*

(a) The assigned frequencies 2638 kc and 2738 kc designated in Subpart O of Part 8 of this chapter for ship-to-ship com-

munication by means of telephony are available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall be governed by Subpart E of this part in lieu of the particular provisions of Part 8 of this chapter relative to emission and power authorized for these two frequencies.

NOTE: Except for test purposes, the frequency 2738 kc may not be used or assigned unless certification regarding attenuation of emission on the related second harmonic frequency (5476 kc) has been submitted to the Commission's office at Washington, D. C., as required by applicable provisions of Part 8 of this chapter.

(b) The assigned frequency 156.3 Mc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony is available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with the applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

§ 14.259 *Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(1) For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel—1622, 2382.

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony—1622 and 2382, except that after September 15, 1955, the use of these frequencies shall be—

(i) Between ship stations on board vessels of less than 500 gross tons—1622 only; and

(ii) Between ship stations on board vessels of 500 gross tons or more—2382 only.

(3) (i) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—4386.2;

(ii) Additionally the frequency 4386.2 kc may be used on a secondary basis for communication by telephony, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—

(a) Between public coast stations, separated not less than 50 miles, for the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; on condition

that ship-shore communication shall be given priority at all times;

(b) Between ship stations on board any type of vessel for business, operational and safety purposes, on condition that harmful interference shall not be caused to the service of any coast station using telephony. In so far as is practicable, the use of this frequency of this purpose shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc or above 156 Mc would not be effective.

§ 14.260 *Frequencies for ship-shore public telephone service in all zones.* (a) The frequency 2134 kc is authorized as an assigned frequency for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on this frequency to any ACS coast station, ship stations normally shall employ class A3 emission for telephony; they may employ telegraphy if desired, with class of emission designated by the ACS, when the particular ACS coast station is capable of using telegraphy. The associated frequency to be used for transmission from the coast station to the ship station shall be within the frequency band 1605-3400 kc and shall be designated for each location by the ACS.

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed herewith as of April 6, 1955, for the information of ship station licensees.

ACS coast station location:	Respective transmitting frequency (kc)
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
Naknek	2312
Nome	2784
Petersburg	2312
Seward	2312
Sitka	2312
Skagway	2312
Unalakleet	2312
Valdez	2300
Whittier	2312
Wrangell	2312

(b) (1) The provisions of this paragraph shall apply to public coast stations in the Alaska area in lieu of the provisions of §§ 7.307 and 7.308 of this chapter, and to ship stations when communicating with public coast stations in the Alaska area in lieu of § 8.356 of this chapter.

(2) Each of the following frequencies in megacycles is authorized for use as an assigned frequency, in accordance with Subpart E of this part, for the exchange of public correspondence by means of

telephony between public coast stations and ship stations, in all zones of the Alaska area, as designated herewith:

For coast station transmission: 161.9; for ship station transmission: 157.4. These two frequencies comprise one radio telephone circuit.

For coast station transmission: 162.0; for ship station transmission: 157.3. These two frequencies comprise one radio telephone circuit.

When alternate transmission by the coast station and the ship station on the same assigned frequency is required, either 157.4 Mc or 157.3 Mc shall be used by each class of station.

(3) At locations where one public ship-shore radiotelephone circuit in this frequency-band is sufficient to provide satisfactory public telephone service, the frequencies 161.9 Mc and 157.4 Mc for a two-frequency circuit or the frequency 157.4 Mc for a single-frequency circuit shall be used.

(4) The assigned frequency 162.0 Mc or 157.3 Mc normally may be authorized for use by a public coast station only when a satisfactory showing is made by the applicant for such authorization that such station under its outstanding license is utilizing the frequency 161.9 Mc or 157.4 Mc at maximum capacity to provide public ship-shore telephone service and there is a need by that station for an additional circuit to adequately serve users or prospective users of the station's service.

(c) Frequencies within the band 4000 kc-30 Mc designated in §§ 8.354 and 8.355 of this chapter for use by ship stations employing telephony for communication with public coast stations located in the vicinity of specified geographic locations (outside the Alaska area) are available for use by ship stations, at sea in the Alaska area, using telephony and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.261 *Frequencies above 156 Mc for business and operational purposes.* (a) The provisions of this section shall, in respect to use of the assigned frequencies 156.4, 156.5, 156.6, 156.7, 156.9 and 157.0 Mc for business and operational purposes, apply to limited coast stations in the Alaska area in lieu of related provisions of §§ 7.356 and 7.361 of this chapter and to ship stations in the Alaska area in lieu of related provisions of § 8.360 of this chapter.

(b) Each of the following frequencies in megacycles is authorized as an assigned frequency for communication, in accordance with Subpart E of this part, between ship stations and limited coast stations and between ship stations in all zones of the Alaska area to serve the business and operational needs of ships, subject to the conditions herein set forth. These frequencies are not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

(1) (i) 156.4, 156.5 and 156.9—for telegraphy and/or telephony. The use of these frequencies by ship stations shall be limited to such stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska.

(ii) Additionally, limited coast stations authorized to transmit on one or more of these frequencies may communicate thereon with other limited coast stations in any zone of the Alaska area as may be necessary to facilitate the business or operation of ships in the Alaska area, or for transmission of any emergency messages relating to the safety of life or property.

(2) 156.7—for the same use and purposes and under the same conditions as are prescribed for 156.4, 156.5 and 156.9 Mc in subparagraph (1) of this paragraph; upon the express condition that its use, at the particular location and at the particular time, is not required for any maritime radio-location service as provided in §§ 7.356 (a) (1) and 8.359 (f) (1) of this chapter.

(3) 156.6—for telephony only; for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control. This frequency may be used for such purposes by limited coast stations and by ship stations on board any class of vessel.

(c) The frequency 157.0 Mc is authorized as an assigned frequency exclusively for use by ship stations in all zones of the Alaska area for ship-to-ship communication by means of telephony in accordance with Subpart E of this part; on condition that such ship stations are capable of transmitting and receiving (and are authorized to transmit) on the ship-to-ship frequency 156.3 Mc also. This frequency shall be used only by ship stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska, to serve the business and operational needs of such vessels. This frequency is not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

NOTE: The term "commercial transport vessel" is defined in § 8.2 (c) (3) of this chapter.

§ 14.262 *Use of marine utility stations.* Licensed marine-utility stations are authorized to be used on land and on board ship in all zones of the Alaska area on each of the frequencies 156.3, 156.4, 156.5, 156.6, 156.7, 156.8, 156.9 and 157.0 Mc, in conformity with the provisions of this part which are applicable to the use of these frequencies in the Alaska area, and

subject further to such provisions of Parts 7 and 8 of this chapter that apply to this class of station which are not inconsistent with the applicable provisions of this part.

§ 14.263 *Frequencies for temporary use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, temporarily for a limited period as designated herewith; for public coast stations in Alaska and for ship stations in Alaskan waters employing primarily telephony (telegraphy also is permissible) for ship-shore and ship-to-ship communication upon the condition that no interference will result to other services:

(1) 1660 and 3201—available for maritime mobile service (on a shared basis with fixed service) under the respective provisions of subparagraphs (2) and (3) of this paragraph until not later than January 1, 1957, only to ship and coast stations licensed to transmit on the respective frequency before June 20, 1955;

(2) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by fixed stations in the Alaska area so as to avoid harmful interference;

(3) At locations where use of the frequency 1660 kc or 3201 kc for maritime mobile service after September 15, 1955, causes harmful interference to the service of a licensed fixed station or stations operating in accordance with applicable provisions of this part, or to any authorized government service, the station using either of these frequencies for maritime mobile service shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

§ 14.264 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations and ship stations employing telegraphy and/or telephony in accordance with Subpart E of this part: *Provided*, That telephony only shall be employed on the frequencies 4406.9 and 4434.5 kc. With respect to the operation of coast stations, these frequencies are authorized for use (below 3400 kc on a shared basis with Alaska-public fixed stations) by coast stations located only in the zone or zones designated herein opposite the respective frequency; and for use in accordance with paragraph (1) of this section, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section, including paragraph (1) in reference to each frequency:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646	1652	1708	1646	1652	1646
1712 (b)			1708	1712 (b)	
2006 (d)	2118 (m)		2118 (m)		
2422	2430 (c) (n)	2422	2430	2430	
		2450 (f)	2450 (f)		2450 (f)
		2482 (n) (g)	2482 (g)		2482 (g)
				2506 (h)	2506 (h)
2512	2512	2512	2512		
2538 (e)	2538 (e)		2538 (e)		
2566			2566	2566	
3261 (j)			3261 (j)		
4406.9 (k)	4406.9 (k)	4406.9 (k)	4434.5 (k)	4434.5 (k)	4434.5 (k)

(b) To minimize interference to the service of stations in zone 3 or 4 operating on 1708 kc, ship stations in zone 1 shall not transmit on 1712 kc when west of 138 degrees west longitude, nor in zone 5 when south of 62 degrees north latitude; also coast stations in zone 5 south of that latitude shall not transmit on 1712 kc.

(c) To minimize interference to the service of ship stations transmitting on 2430 kc to any public coast station in the vicinity of Seattle, Washington, ship stations in zone 2 shall not transmit on 2430 kc when south of 59 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive, and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To minimize interference to or from the service of any coast station transmitting on 2538 kc and located in the vicinity of Vancouver, British Columbia, ship stations in zones 2 and 3 shall not transmit on 2538 kc when south of 56 degrees north latitude.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by fixed stations in the Alaska area as authorized in

§ 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, ship and coast stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 156 Mc.

(k) (1) The frequencies 4406.9 and 4434.5 kc are authorized for telephony exclusively; for use during the hours from 6:00 a. m. to 9:00 p. m. local standard time only. Such use of the frequency 4434.5 kc is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area to which this frequency is assigned as a carrier frequency for transmission.

(2) Additionally, public coast stations may communicate, on a secondary basis, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only, on 4406.9 kc or 4434.5 kc for the exchange of public correspondence with other public coast stations within not less than 50 miles; under conditions which make it necessary to use either of these frequencies for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; and on condition that priority shall be given at all times to ship-shore communication.

(l) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an assigned frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located. *Provided*, That for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency, in accordance with § 14.253. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is

within communication range of the ship station.

(m) Use of the frequency 2118 kc for maritime mobile service is subject to interference from transmission by ship stations on frequencies within the band 2065 to 2107 kc. Use of 2118 kc shall be coordinated as necessary with use of the frequency 2134 kc as authorized in § 14.260 (a) so as to avoid harmful interference.

(n) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (n) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

(o) To provide for continuance of existing maritime mobile service in the Alaska area for a temporary period in which necessary changes in the frequency assignments of certain stations may be effected, any coast or ship station at any authorized location in Alaska, which, before June 20, 1955, was licensed to transmit on one or more of the frequencies listed in paragraph (a) of this section for communication with stations of the maritime mobile service in Alaska, may continue to transmit on such frequency or frequencies for the same purpose (without regard to the specific limitations and requirements set forth in paragraphs (a) through (n) of this section) until January 1, 1957. After that date, the station shall operate only in conformity with the provisions of those paragraphs: *Provided*, That after September 15, 1955, at each station location where such operation at variance with any of the provisions of paragraphs (a) through (n) causes harmful interference to the service of a licensed station operating in conformity with those paragraphs or to any authorized government service, the station which is operating not in conformity with those paragraphs shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

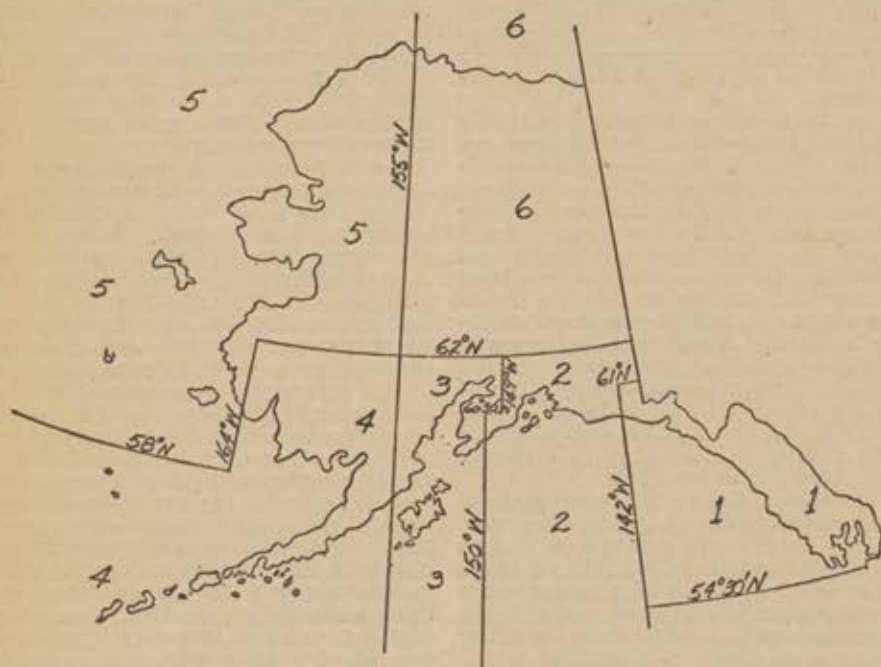
NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4406.9 and 4434.5 kc) for Alaska public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of ship-shore and point-to-point communication.

§ 14.265 *Rules in other parts applicable.* The rules relating to the assignment and use of frequencies for ship, aircraft, marine-utility, and coast station operating in the maritime mobile service and for stations operating in the maritime radiolocation service which are set forth in Parts 7 and 8 of this chapter (except §§ 7.307, 7.308 and 8.356) shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

§ 14.266 *Extended interim use of conditional maritime service frequencies.* With respect to each assigned frequency authorized by this subpart to be used by certain coast and ship stations until not later than January 1, 1957, coast stations may, if the licensee thereof has made proper application not later than January 1, 1957 for renewal of the respective coast station license, continue to transmit on such frequency for maritime mobile service until the date on which the licensee receives the renewed license,

or, pending Commission action on the respective application, until May 1, 1957, whichever date first occurs. Ship stations may so continue until May 1, 1957.

§ 14.267 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other assigned frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.



TERRITORY OF ALASKA
Frequency Assignment Zones

FIGURE 1—(See § 14.3)

[F. R. Doc. 56-6456; Filed, Aug. 15, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6506]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PREMIER KNITTING CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal disclosure and statutory requirements:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act; *Maker or seller, etc.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-69 (c).) [Cease and desist order, Premier Knitting Co., Inc., et al., New York, New York, Docket 6506, August 2, 1956]

In the Matter of Premier Knitting Company, Inc., a Corporation, and Arnold A. Saltzman, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its responsible officer with violating the Wool Products Labeling Act through labeling as "Pure Cashmere" and "Pure Imported Cashmere" ladies' sweaters which were a blend of hair from the Cashmere goat and sheep's wool; through failing to label certain of the sweaters with the name or registration number of the manufacturer, etc.; and through removing stamps, tags, etc., containing the information required by the act—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on August 2, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Premier Knitting Company, Inc., a corporation, and its officers, and respondent Arnold A. Saltzman, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' sweaters or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing wool, as that term is defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such product exclusive of ornamentation not exceeding five per centum of said total weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

It is further ordered, That respondent Premier Knitting Company, Inc., a corporation, and its officers and respondent Arnold A. Saltzman, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale, or distribution of wearing

apparel or any other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 2, 1956.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56-6602; Filed, Aug. 15, 1956;
8:50 a. m.]

[Docket 6508]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GLOVE CITY CHAMOIS CO., INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.110 Indorsements, approval and testimonials; § 13.130 Manufacture or preparation; § 13.135 Nature: Product or service. Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 Claiming or using indorsements or testimonials falsely or misleadingly. Subpart—Misbranding or mislabeling: § 13.1255 Manufacture or preparation; § 13.1260 Nature. Subpart—Misrepresenting oneself and goods: § 13.1685 Nature. Subpart—Using misleading name—Vendor: § 13.2450 Products.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Glove City Chamois Co., Inc., et al., Gloversville, N. Y., Docket 6508, August 2, 1956]

In the Matter of Glove City Chamois Company, Inc., a Corporation, and Catherine Hauser, Individually and as an Officer of Said Corporation, and Benjamin Kaplan, Individually and as General Manager of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Gloversville, N. Y., with representing falsely through labeling and branding and through use of the word "Chamois" in their corporate name and on letterheads, circulars, and other advertising,

that certain of their leather products were genuine chamois and oil tanned; that their product labeled "Deerskin Chamois" was a type of chamois, was oil tanned, superior to genuine chamois, and was approved and endorsed by the New York State Weights and Measures and the Federal Trade Commission—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on August 2, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That Respondent Glove City Chamois Company, Inc., a corporation, and its officers, and Respondents Catherine Hauser, individually and as an officer of said corporation, and Benjamin Kaplan, individually and as general manager of said corporation, and said Respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with offering for sale, sale or distribution of leather products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Branding or labeling such products as "Chamois" or "Chamois Type", or in any other manner representing that such products are "Chamois" or "Chamois Type" or are made from "Chamois" unless such products are made—

(a) From the skin of the Alpine Antelope, commonly known and referred to as Chamois, or

(b) From the fleshers or undersplits of sheep skin which have been tanned in oil after splitting.

2. Using the name "Chamois" in any corporate or trade name in connection with the sale and distribution of leather products unless and until such leather products are composed and made of "Chamois" as set forth in paragraph 1 hereof.

3. Representing, directly or indirectly, that their products are superior to Chamois.

4. Representing, directly or indirectly, that their products are oil tanned.

5. Representing, directly or indirectly, that any of their products are approved or endorsed by the Federal Trade Commission or the New York State Weights and Measures.

6. Representing, directly or indirectly, that any of their products are approved or endorsed by any governmental agency, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered. That respondents Glove City Chamois Company, Inc., a corporation, and Catherine Hauser, individually and as an officer of said corporation, and Benjamin Kaplan, individually and as general manager of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in

which they have complied with the order to cease and desist.

By the Commission.

Issued: August 2, 1956.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56-6601; Filed, Aug. 15, 1956;
8:50 a. m.]

[Docket 6525]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED CIGAR-WHELAN STORES CORP. AND PRODUCT ADVERTISING CORP.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 Knowingly inducing or receiving discriminating payments.¹

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United Cigar-Whelan Stores Corporation et al., Brooklyn, N. Y., Docket 6525, July 31, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Brooklyn corporate operator of a chain of some 1350 retail drugstores and tobacco shops throughout the United States, and its wholly owned advertising agency, with violating Sec. 5 of the Federal Trade Commission Act, through inducing many of their suppliers to enter into contracts for participation in their television programs known variously as "Whelan's Playhouse", "Whelan's Film Playhouse", or "Whelan's Cavalcade of Stars", providing that respondents would advertise the suppliers' products and that such suppliers contribute toward the cost of the program, with result that in the year 1954 such contributions of 57 suppliers aggregated more than \$363,000, while the suppliers did not offer to all their other customers competing with United-Whelan any similar payments on proportionally equal terms—and an agreement between counsel containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on July 31 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That respondent United Cigar-Whelan Stores Corporation, a corporation, and respondent Product Advertising Corporation, a corporation, and their respective officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the purchase in commerce (as "commerce" is defined in the Federal Trade Commission Act) of drug, cosmetic, or tobacco products or other merchandise, do forthwith cease and desist from: Knowingly inducing or receiving, or contracting for the receipt of, any payment or other consideration from any supplier of United Cigar-

¹ New.

Whelan Stores Corporation for or in connection with television or radio programs which are sponsored by United Cigar-Whelan Stores Corporation or which advertise or promote United Cigar-Whelan Stores Corporation, when such payment or other consideration is not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all other customers competing with United Cigar-Whelan Stores Corporation in the sale and distribution of the supplier's products;

Provided, however, That this order shall not be construed to prohibit respondent Product Advertising Corporation from selling to other persons, corporations or firms, including suppliers of United Cigar-Whelan Stores Corporation, advertising time on television or radio programs which are not sponsored by respondent United Cigar-Whelan Stores Corporation and which do not advertise or promote United Cigar-Whelan Stores Corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents United Cigar-Whelan Stores Corporation, a corporation; and Product Advertising Corporation, a corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: July 31, 1956.

[SEAL]

JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56-6593; Filed, Aug. 15, 1956;
8:49 a. m.]

[Docket 6530]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

N. L. KAPLAN, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, N. L. Kaplan, Inc., et al., Buffalo, N. Y., Docket 6530, August 2, 1956]

In the Matter of N. L. Kaplan, Inc., a Corporation, and Nathan L. Kaplan and Ann R. Kaplan, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Buffalo, N. Y., with violating the Fur Products Labeling Act through (a) failing to set forth on labels on fur products, and in proper form, the information required by the act; (b) invoicing certain products falsely; and (c) in advertising, failing to show the names of animals that produced certain fur, and representing prices as reduced and the products as of greater value than the sale price, without maintaining adequate records as basis for such claims—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, on August 2, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents N. L. Kaplan, Inc., a corporation, and its officers, and Ann R. Kaplan, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped or received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

3. Failing to set forth on labels attached to fur products an item number or mark assigned to such products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which fails to show the name or names of the animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations.

D. Making price claims or representations in advertisements respecting the wholesale prices, manufacturers' cost, reduced prices, comparative prices, percentage savings, value or quality of fur or fur products, unless there is maintained by respondents an adequate record disclosing the facts upon which such claims or representations are based.

It is further ordered, That the complaint be, and it hereby is dismissed as to respondent Nathan L. Kaplan.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent N. L. Kaplan, Inc., a corporation, and its officers, and Ann R. Kaplan, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which

they have complied with the order to cease and desist.

Issued: August 2, 1956.

By the Commission.

[SEAL]

JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56-6600; Filed, Aug. 15, 1956;
8:50 a. m.]

[Docket 6466]

PART 13—DIGEST OF CEASE AND DESIST
ORDERS

MINUTE MAID CORP.

Subpart—Discriminating in price under section 2, Clayton Act, as amended—Payment for services or facilities for processing or sale under 2 (d): § 13.824 Advertising expenses.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13.) [Cease and desist order, Minute Maid Corporation, New York, N. Y., Docket 6466, July 27, 1956.]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging the Minute Maid Corporation with violating section 2 (d) of the Clayton Act through paying \$5,750 to the Food Fair Stores, Inc., of Philadelphia, Pa., and \$250 to the Giant Food Shopping Center, Inc., of Washington, D. C., as compensation for advertising furnished by them in connection with the sale of its "Minute Maid" and "Snow Crop" frozen foods, while not offering such allowances on proportionally equal terms to all other customers competing with Food Fair and Giant in the sale of its products—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on July 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Minute Maid Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of frozen food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other service or facilities furnished by or through such customer, in connection with the handling, offering for sale, or resale of products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available to all competing customers on proportionally equal terms.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the

Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 27, 1956.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6599; Filed, Aug. 15, 1956;
8:49 a. m.]

TITLE 20—EMPLOYEES'
BENEFITS

Chapter III—Bureau of Old-Age and
Survivors Insurance, Social Security
Administration, Department of
Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS
INSURANCE (1950—)

COVERAGE OF EMPLOYEES OF STATE AND LOCAL
GOVERNMENTS; FILING OF SINGLE WAGE
REPORT WHERE INDIVIDUAL IS JOINTLY
EMPLOYED BY MORE THAN ONE EMPLOYEE

Regulations No. 4, as amended (20
CFR 404.1201 et seq.) is further amended
as follows:

Section 404.1250 is further amended by
adding a new paragraph (d) reading as
follows:

(d) Filing of single wage report where individual is jointly employed by more than one employer. Where the State and any of its political subdivisions or any two or more political subdivisions jointly employ any individuals to perform services in employment, the aggregate wages paid to such individuals by the State and any of its political subdivisions, or by any two or more political subdivisions, as the case may be, may, upon request by the State and with the approval of such request by the Secretary, be reported by an agent duly appointed to file such reports if—

(1) There is included in the agreement each of the coverage groups of employees of the State and its political subdivisions, or of two or more political subdivisions, as the case may be, of which such individuals are members;

(2) There is uniformity with respect to such coverage groups in the effective dates of coverage and both in the services covered and the services excluded from coverage;

(3) There is filed by such agent one wage report for each calendar quarter on Form OAR-S3, which includes the aggregate of the wages paid to such individuals as employees of the State and as employees of any of its political subdivisions, or as employees of any two or more political subdivisions, as the case may be. In computing the aggregate wages to be reported, there shall be included in the wage report the wages (not in excess of \$4,200 paid in any calendar year subsequent to 1954) paid by or caused to be paid by the State and the wages (not in excess of \$4,200 paid in any calendar year subsequent to 1954) paid by or caused to be paid by each political subdivision of the State, or, if the individual is not em-

ployed by the State, the wages (not in excess of \$4,200 paid in any calendar year subsequent to 1954) paid by or caused to be paid by each political subdivision of the State by which such individual is employed. For provisions relating to the furnishing of wage statements to employees, see § 404.1230.)

(4) There is included on the wage report (Form OAR-S3) the name and identification number of the State and of each political subdivision of the State, by which the individual is employed, or, if the individual is not employed by the State, the name and identification number of each such political subdivision, and the name and address and the identification number of the agent by which the wage reports are filed.

(Secs. 205, 1102, 49 Stat. 624, as amended, 647, as amended, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302.)

[SEAL]

W. L. MITCHELL,
Acting Commissioner
of Social Security.

Approved: August 9, 1956.

HAROLD C. HUNT,
Acting Secretary of Health,
Education, and Welfare.

[F. R. Doc. 56-6585; Filed, Aug. 15, 1956;
8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Adminis-
tration, Department of Health, Edu-
cation, and Welfare

PART 9—COLOR CERTIFICATION

EXT D&C RED NO. 14

Pursuant to Public Law 672, 84th Cong., 2d Sess. (70 Stat. 512, 513; 21 U. S. C. 342 (c)) and in accordance with its terms, the following footnote is hereby inserted in Part 9—Color Certification, immediately following the color designated as EXT D&C Red No. 14 in § 9.5 (a), for the purpose of supplying public information:

EXT D&C RED NO. 14¹

¹ Pursuant to Public Law 672, 84th Cong., 2d Sess., 70 Stat. 512, 513; 21 U. S. C. 342 (c), EXT D&C Red No. 14 may be used until March 1, 1959, for coloring the skins of oranges.

This action is taken under the authority granted the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996).

Notice and public procedure hereon are unnecessary since the action is required by the terms of Public Law 672, 84th Cong., 2d Sess. (70 Stat. 512, 513; 21 U. S. C. 342 (c)).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: August 9, 1956.

[SEAL]

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F. R. Doc. 56-6584; Filed, Aug. 15, 1956;
8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6198]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

EXCLUSION OF UNINCORPORATED ORGANIZATION FROM TREATMENT AS PARTNERSHIP

In order to clarify the requirements for exclusion of an unincorporated organization from treatment as a partnership under subchapter K of chapter I of the Internal Revenue Code of 1954, the regulations issued under section 761 of the Internal Revenue Code of 1954 as Treasury Decision 6175 (21 F. R. 3500), approved May 23, 1956, are amended by striking subparagraph (2) of § 1.761-1 (a) and inserting in lieu thereof the following:

(2) *Exclusion of certain partnerships from provisions of subchapter K.*—(i) *In general.* Under conditions set forth in this paragraph, an unincorporated organization described in subdivision (ii) or (iii) of this subparagraph may be excluded from the application of all or a part of the provisions of subchapter K. Such organization must be availed of for investment purposes only and not for the active conduct of a business, or for the joint production, extraction, or use of property, but not for the purpose of selling services or property produced or extracted. The members of such organization must be able to compute their income without the necessity of computing partnership taxable income. Any syndicate, group, pool, or joint venture which is classifiable as an association, or any group operating under an agreement which creates an organization classifiable as an association, does not fall within these provisions.

(ii) *Investing partnership.* Where the participants in the joint purchase, retention, sale, or exchange of investment property—

(a) Own the property as coowners,

(b) Reserve the right separately to take or dispose of their shares of any property acquired or retained, and

(c) Do not actively conduct business or irrevocably authorize some person or persons acting in a representative capacity to purchase, sell, or exchange such investment property, although each separate participant may delegate authority to purchase, sell, or exchange his share of any such investment property for the time being for his account, but not for a period of more than a year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in subdivision (iv) of this subparagraph.

(iii) *Operating agreements.* Where the participants in the joint production, extraction, or use of property—

(a) Own the property as coowners, either in fee or under lease or other form of contract granting exclusive operating rights, and

(b) Reserve the right separately to take in kind or dispose of their shares

of any property produced, extracted, or used, and

(c) Do not jointly sell services or the property produced or extracted, although each separate participant may delegate authority to sell his share of the property produced or extracted for the time being for his account, but not for a period of time in excess of the minimum needs of the industry, and in no event for more than one year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in subdivision (iv) of this subparagraph. However, the preceding sentence does not apply to any unincorporated organization one of whose principal purposes is cycling, manufacturing, or processing for persons who are not members of the organization.

(iv) *Method of election.*—(a) *Complete exclusion from subchapter K.* Any unincorporated organization described in subdivisions (i) and (ii) or (iii) of this subparagraph which wishes to be excluded from all of subchapter K must make the election provided in section 761 (a) in a statement attached to a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the district director for the district in which the organization has its principal office or place of business. For the purpose of determining the district in which the organization has its principal office or place of business, the principal office or place of business of the operator shall be considered the principal office or place of business of the organization, unless the person filing for the organization is not the operator, in which case, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. For the first year with respect to which such unincorporated organization wishes to be excluded from subchapter K, its partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained). Unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be ex-

cluded will be effective. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T:R, Washington, D. C., no later than 30 days after the beginning of the first taxable year to which the revocation is to apply. An unincorporated organization need not file an election to be excluded under section 761 for the first year of its existence but may do so at the time of filing the return for any taxable year for which exclusion from subchapter K is desired. Such unincorporated organization shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly make or incur any expenditures treated as deductions for Federal income tax purposes, whether or not electing to be excluded from the provisions of subchapter K. Where no annual accounting period has been adopted by such unincorporated organization, its taxable year shall be the calendar year in accordance with section 441 (g).

(b) *Partial exclusion from subchapter K.* An unincorporated organization which wishes to be excluded from only certain sections of subchapter K must submit to the Commissioner, not later than 90 days after the beginning of the first taxable year for which partial exclusion is desired, a request for permission to be excluded from certain provisions of subchapter K. The request shall set forth the sections of subchapter K from which exclusion is sought and shall state that such organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, and that the members of the organization elect to be excluded to the extent indicated. Such exclusion shall be effective only upon approval of the election by the Commissioner and subject to the conditions he may impose.

(v) *Information to be filed by organizations excluded under section 761.* (a) An organization which elects under subdivision (iv) (a) of this subparagraph to be excluded from all of subchapter K shall file the following:

(1) For the first taxable year for which it wishes to be excluded: a partnership return, as provided in subdivision (iv) (a) of this subparagraph;

(2) For each subsequent taxable year for which it is excluded: Form 1096 for the organization and a Form 1099 for each person who was a member of the organization during any part of the calendar year. Form 1099 shall show the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each Form 1099 shall state "Filed under section 761 (a)" and the principal activity of the organization. Forms 1096 and 1099 shall be filed with the Commissioner

of Internal Revenue, Midwest Service Center, Kansas City, Missouri.

(b) Organizations partially excluded from subchapter K shall file partnership returns containing such information as the Commissioner may require upon the granting of the partial exclusion under section 761 (a).

Because the amendment made by this Treasury decision clarifies the requirements for excluding an unincorporated organization from the application of all or part of subchapter K of chapter I of the Internal Revenue Code of 1954 and clarifies the requirements for filing returns or other information by such unincorporated organizations, it is found unnecessary to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner
of Internal Revenue.

Approved: August 10, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary
in Charge of Tax Policy.

[F. R. Doc. 56-6591; Filed, Aug. 15, 1956;
8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES MIGRATORY WATERFOWL REFUGE, MONTANA

MISCELLANEOUS AMENDMENTS

Basis and purpose. (1) Heretofore the Red Rock Lakes Migratory Waterfowl Refuge has been erroneously designated as the Red Rock Lakes National Wildlife Refuge. Corrections are therefore required to show the proper designation in the title of the subpart in Part 31 and in §§ 17.3, 31.281, and 31.282.

(2) On the basis of observations and reports of representatives of the Fish and Wildlife Service, it has been determined that additional fishing privileges can be authorized without interfering with the primary purpose for which the refuge was established.

Inasmuch as the following regulation is a relaxation of existing restrictions applicable to the Red Rock Lakes Migratory Waterfowl Refuge, notice and public procedure are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.287 is revised to read as follows:

§ 31.287 **Fishing permitted.** Sport fishing is permitted in accordance with State laws and regulations on those waters located within the boundaries of

the Red Rock Lakes Migratory Waterfowl Refuge described specifically as follows: Culver Pond, Odell Creek, Red Rock Creek, Elk Springs Creek, Culver Springs Creek, and Shambo Pond, subject to the requirements and conditions of §§ 31.288 to 31.290, inclusive.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: August 10, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56-6590; Filed, Aug. 15, 1956;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF EXTENSION OF TIME TO SUBMIT DATA, VIEWS OR ARGUMENTS

The proposed regulations under sections 161, 162, 168, and 169 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for July 10, 1956 (21 F. R. 5091). That notice provided that consideration would be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of that notice in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and any data, views, or arguments pertaining to those proposed regulations which are submitted not later than Monday, August 20, 1956, will be given consideration.

[SEAL] O. GORDON DELK,
Acting Commissioner
of Internal Revenue.

[F. R. Doc. 56-6592; Filed, Aug. 15, 1956;
8:48 a. m.]

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NEW PROCEDURE FOR RETURN AND PAYMENT OF TAX WITHHELD UNDER CHAPTER 3 OF THE INTERNAL REVENUE CODE OF 1954 AND FOR EXCHANGE OF INFORMATION UNDER INCOME TAX CONVENTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the

date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 6041, 6042, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 745, 746, and 917; 26 U. S. C. 6041, 6042, and 7805).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of
Internal Revenue.

In order to provide a new procedure for the return and payment of tax withheld under chapter 3 (relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds) of the Internal Revenue Code of 1954 and for the exchange of information under the income tax conventions, the Income Tax Regulations (26 CFR Part 1) are hereby amended as follows:

PARAGRAPH 1. Section 1.1461-1 is amended as follows:

(A) By inserting at the end of paragraph (d) thereof the following new sentences: "In the case of ownership certificates filed with the withholding agent after December 31, 1956, the certificate shall also show the amount of tax withheld; or, if the certificate has been used under a tax treaty regulation to claim a release of tax withheld, then it shall show both the amount of tax withheld, if any, and also the amount of tax released. After December 31, 1956, this paragraph shall apply to all special variations of Form 1001 referred to in paragraph (i) of this section."

(B) By striking out the period at the end of paragraph (f) (3) thereof and inserting in lieu thereof the following: "except that on and after January 1, 1957, such statement shall be forwarded to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., with the annual return on Form 1042."

(C) By inserting at the end of paragraph (h) thereof the following new sentence: "Duplicate copies of Form 1000 are not required."

(D) By striking out the period at the end of paragraph (i) thereof and inserting in lieu thereof the following: "and paragraph (d) of this section. In the case of payments of income made before January 1, 1957, duplicate copies of Form 1001 are not required; on and after that date Form 1001 shall be filed in duplicate whenever the form is required by this section. The special variations of Form 1001 shall be filed in duplicate, as required by the applicable tax treaty regulation."

(E) By inserting at the end thereof the following new paragraph:

(k) *Inconsistent regulations.* All regulations inconsistent with the provisions of this section shall be deemed to have been modified accordingly.

PAR. 2. The regulations under section 1461 are amended by inserting immediately after § 1.1461-1 the following new section:

§ 1.1461-2 *Return and payment of tax withheld on and after January 1, 1957—*
(a) *Effective date.* This section shall apply only with respect to payments of income made on and after January 1, 1957. For provisions relating to payments made before that date, see § 1.1461-3.

(b) *Form 1042—(1) Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax withheld under chapter 3 upon all the items of income to which that chapter applies. Form 1042 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C. The return shall be prepared in duplicate and shall show in summary form the tax required to be withheld under chapter 3 during the previous calendar year and to be shown on Forms 1000, 1001, 1042S, and on all special variations of Form 1001 referred to in paragraph (i) of § 1.1461-1. The duplicate copy of Form 1042 shall be retained by the withholding agent.

(2) *Summary of accompanying forms.* Form 1042 shall be accompanied by the original and duplicate copies of all Forms 1000, 1001, 1042S, and all special variations of Form 1001 referred to in paragraph (i) of § 1.1461-1, which were filed with, or prepared by, the withholding agent during the previous calendar year, including such forms upon which income exempt from tax is reported. The various forms so forwarded with Form 1042 are not required to be listed thereon, but they shall be summarized on Form 1042 by showing in the manner prescribed thereon the total number of each form submitted and, with respect to that particular form, the gross amount of income paid and the rates of tax applicable thereto, the gross amount of exempt income paid, the amount of tax withheld at the various applicable rates, and the amount of tax withheld but released or refunded by the withholding agent. The information so given with respect to Form 1042S shall be arranged on a per-country basis as to payees with addresses in the various foreign countries which have entered into an income tax convention with the United States and on a combined basis as to payees with addresses in all other countries. This per-country arrangement is not required in the case of the other forms forwarded with Form 1042. The exemption and reduced rate certificates, such as Form 1001A-D or Form 1001A-J, referred to in paragraph (g) (2) of § 1.1461-1 are not required to accompany, or to be summarized on, Form 1042.

(3) *Modification of Form 1042.* If Form 1000 is modified in accordance with paragraph (h) of § 1.1461-1 to show the name and address of a fiscal

or paying agent in the United States, Form 1042 shall be likewise modified.

(c) *Form 1042S—(1) Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042S of all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid during the previous calendar year to nonresident alien individuals, nonresident partnerships composed in whole or in part of nonresident alien individuals, and nonresident foreign corporations, including such items of income upon which, under the authority of any Treasury regulation or ruling of the Commissioner of Internal Revenue, no withholding of tax is required or in respect of which the tax, though required to be withheld, has been released or refunded to the payee. Income paid to such persons and required to be shown on Form W-2, Form 1001, or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461-1, or the substitute thereof, is not, however, required to be returned on Form 1042S. The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(2) *Information to be furnished.* (i) Form 1042S shall show the name and address of the payee of the income, of the withholding agent, of the agent for the withholding agent, and of the payer of the income if the payer is not the same as the withholding agent. It shall also show the nature of the item of income paid, the gross amount of the item, and, if withholding upon that item is required under chapter 3, the rate of tax applicable thereto and the amount of tax withheld. If any part of the tax required to be withheld has been released or refunded to the payee, Form 1042S shall show the amount of tax so released or refunded.

(ii) If a Form 1042S is prepared in respect of an item of income upon which tax has not been withheld under chapter 3, a brief statement as to the authority for such failure to withhold shall be made upon the form itself. If necessary, however, a separate statement as to such authority may be attached to the original copy of the Form 1042S.

(iii) If a Form 1042S is prepared in respect of compensation from which the personal exemption is deducted in accordance with paragraph (e) of § 1.1441-3, the amount of the compensation allocable to labor or personal services performed within the United States, together with the amount of the deduction for the prorated personal exemption, shall be shown on a separate statement attached to the original copy of that form.

(3) *Manner of preparing Form 1042S.*

(i) Form 1042S shall be prepared in quadruplicate with respect to each separate payment of any item of income made during the calendar year, except that, at the option of the withholding

agent, one form may be used to show the total amount of any item paid during the calendar year to the same payee. Items different in kind may not be combined on one Form 1042S. Thus, if three dividends on the same stock are paid to the same payee during the calendar year, the three payments may be entered on three separate Forms 1042S or in total amount on one Form 1042S. On the other hand, a payment of interest, dividends, and rents may not be shown on the same Form 1042S. Payment of an item of income to a nominee or representative for the benefit of other persons in respect of whom Forms 1042S are required may not be shown on a single Form 1042S but must be identified with the ultimate recipients of the income if such information is known to the withholding agent.

(ii) The Forms 1042S prepared by any withholding agent shall be arranged alphabetically both as to the name of the payee and the name of the country in which the payee has an address. Separate adding machine tapes shall then be prepared for each such country which has entered into an income tax convention with the United States, showing as to that country the gross amount of exempt income paid and, as to each separate applicable rate of tax, the gross amount of income paid and the amount of tax withheld. Another adding machine tape showing the same information shall then be prepared with respect to the combined number of all other countries. These adding machine tapes shall be properly identified with the respective groups of forms to which they apply, and the totals thereon used as a basis for making the summary on Form 1042 prescribed by paragraph (b) (2) of this section. If circumstances warrant, the withholding agent may use any other appropriate method, in lieu of adding machine tapes, for presenting the information required by this subdivision.

(iii) The triplicate copy of Form 1042S shall be furnished to the payee indicated thereon, and the quadruplicate shall be retained by the withholding agent.

(4) *Alternative methods.* To the extent that the withholding agent's system of record keeping makes impractical the use of Form 1042S in the manner prescribed by subparagraph (3) of this paragraph, he may devise and submit for the prior approval of the Commissioner a variation of Form 1042S which will include the information required by subparagraph (2) of this paragraph and which will substantially comply with the requirements of subparagraph (3) of this paragraph. Request for such approval shall be accompanied by an explanation as to why such variation is necessary.

(d) *Information to be furnished by Commissioner.* If a foreign country has entered into an income tax convention with the United States which provides for the mutual exchange of information, the Commissioner of Internal Revenue shall, as soon as practicable after the close of a calendar year during which the convention is in effect, transmit to the appropriate authority designated in the convention with that country all the

duplicate copies of the following forms which have been filed pursuant to this section for that year in respect of payees with addresses in that country, namely, Form 1001, Form 1042S, and the special variation of Form 1001 referred to in paragraph (1) of § 1.1461-1 which is applicable to that country.

(e) *Inconsistent regulations.* All regulations inconsistent with the provisions of this section shall be deemed to have been modified accordingly.

PAR. 3. Section 1.1461-2 is amended as follows:

(A) By striking out the period at the end of paragraph (a) (1) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(B) By striking out the period at the end of the second sentence of paragraph (b) (1) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(C) By striking out the period at the end of the first sentence of paragraph (c) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such tax shall be paid to the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(D) By striking out so much thereof as precedes paragraph (a) (1) thereof and inserting in lieu thereof the following:

§ 1.1461-3 *Return and payment of tax withheld before January 1, 1957—*
(a) *Effective date.* This section shall apply only with respect to payments of income made before January 1, 1957. For provisions relating to payments made on and after that date, see § 1.1461-2.

(b) *Interest on certain bonds—*

(E) By redesignating paragraphs (b), (c), and (d) thereof as paragraphs (c), (d), and (e), respectively.

[P. R. Doc. 56-6593; Filed, Aug. 15, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A7]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on February 28 through March 7, 1956, pursuant to notice thereof which was issued on February 7, 1956 (21 F. R. 953).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 5, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in the proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 8, 1956 (21 F. R. 3936).

The material issues, the findings and conclusions, and the general findings of the recommended decision (21 F. R. 3936; P. R. Doc. 56-4519) are hereby approved and adopted as the material issues, the findings and conclusions, and the general findings of this decision as if set forth in full herein, subject to the following revisions:

1. On page 3937, in the paragraph continued at the top of column 1, change the phrase "months of August through January" to read "months of September through February"; change the phrase "months of February through July" to read "months of March through August"; and change the phrase "August 1, 1956" to read "September 1, 1956".

2. On page 3939 delete the last complete paragraph in column 3 and substitute therefor the following:

The point was made in the filed exceptions that the primary purpose of the transfer amendment can be accomplished without having it apply in all months of the year. It appears appropriate to continue to assign transferred milk first to any Class I use during the months of July through March, but to assign it first to any Class II uses at the nonpool plant during the flush production months of April, May, and June.

During these three months supplies are greatest in relation to sales both in Detroit and in adjacent markets. Accordingly, there is least likelihood of a nonpool plant depending upon milk transferred from Detroit for bottling purposes. In July and August, however, there are substantial demands for Class I milk in the resort areas of the State. Data presented at the hearing for the years 1954 and 1955 show that there were much larger quantities of milk transferred to nonpool plants having bottling operations in July than in June. The months following the resort season are those of lowest production, and demands for milk for bottling purposes would be substantial.

It is concluded that the transfer provisions adopted November 1, 1955, and requiring that any pool milk transferred to a nonpool plant be assigned first to Class I should continue to apply during the months of July through March. However, during April, May, and June such milk should be assigned first to any Class II utilization at the nonpool plant.

3. Delete in its entirety topic numbered 5, "Class I price", starting at the bottom of column 3, page 3939, and substitute therefor the following:

5. *Class I price.* A seasonal change of 40 cents per hundredweight should be introduced in the stated Class I differential. The new differentials would be \$1.63 for the months of August through January and \$1.23 for the months of February through July instead of the present differential of \$1.43 in all months. Also, the schedule of standard percentages used in computing the Class I supply-demand adjustment should be revised to reflect a supply of producer milk equal to 124 percent of Class I sales for November instead of the present percentage of 120 percent. Proportionate changes should be made in the standard percentages for the other months. The supply-demand adjustment should change at the rate of 3 cents for each point of indicated oversupply or undersupply instead of changing only at 5-point intervals in the amount of 15 cents.

The increase in the normal or standard supply percentage reflects operating experience in the market since the major handlers have adopted six-day instead of seven-day operation of their bottling plants. This major change in operations is so recent that its final effect on market organization is not yet fully established. It is sufficiently extensive to limit severely the value of previous experience in supply-demand relationships. It is clear, however, that bottling plant operators now call for greatly increased quantities of milk late in the week for sale on Friday and Saturday. On Sunday when no bottling occurs, the plants receive as little milk from farmers or country plants as possible. The result is that unless adequate holding tank facilities can be provided at country and city plants, a larger total supply is necessary to meet these uneven demands during the week.

In November 1955, market supplies of producer milk were equal to 123.9 percent of Class I sales. It was testified that during this month supplies were barely adequate to meet Class I needs on days of maximum demand. In fact these demands were met only by maximum use of all available holding facilities, including the milk tank trucks ordinarily employed to ship milk from country stations to the city bottling plants. To meet bottling needs, it was also necessary to allocate milk away from handlers who might have liked to have had the milk for Class II purposes but did not actually need it for bottling, to other handlers who could use the milk for Class I purposes.

In raising the standard percentages, the monetary effects of the supply-demand adjustment should also be revised. The present order provides price changes of 15 cents when supplies depart from normal by from 5 to 10 percent, a 30-cent change for supply variations for 10 to 15 percent and a 45-cent change when supplies are more than 15 percent away from normal. For many months in 1955 and early 1956, supplies were, in fact, a few percentage points above normal. In most months, the oversupply was less than 5 percent so no supply-demand adjustment resulted. However, in December 1955 and February and March 1956

the indicated supplies were slightly more than 5 percent above normal and price adjustments of minus 15 cents were in effect. The result is that with only minor changes in supplies a rather sizeable adjustment of 15 cents affected Class I prices in these three months. It appears clearly preferable that the supply-demand adjustment should be at the rate of 3 cents for each point of indicated over or undersupply. Since November 1, 1955, the date of the last previous amendment to the order, the supply-demand adjustment provided herein would have been minus 3 cents in November and December 1955, zero in January 1956, minus 6 cents in February, minus 9 cents in March, plus 3 cents in April, plus 6 cents in May, plus 9 cents in June, and plus 12 cents in July. (Official notice is taken of market receipts and Class I sales for the months of February through June 1956.) For this nine-month period the adjustment would have averaged plus 1 cent instead of the minus 5 cents provided by the present order.

Producers contended that milk production could not long be maintained at the order prices which have prevailed in recent years. They cited data to the effect that farm wage rates and other production costs were particularly high in the Detroit region. However, it must be recognized that large quantities of manufacturing grade milk are still produced in Michigan at the same general level of prices as prevails elsewhere in the United States for milk of similar grade. In fact, several of the Detroit receiving stations are operated in close proximity to or in conjunction with such plants. Moreover, the Class I differentials under the Detroit order have been fully adequate to increase supplies sufficiently to care for the growth in Class I sales. The supply-demand adjustment can provide considerable additional increase in price if supplies begin to fall behind. Finally, Detroit order prices are fully as high as those in the most directly competitive Federal order markets. In 1955, for example, the Detroit Class I price for milk delivered to city plants averaged \$4.40 as compared with a Toledo price of \$4.30. There is direct competition between distributors at these prices and there is also some competition with Detroit handlers having a sixteen-cent location differential. Competition between the Detroit and Cleveland markets is in the procurement of milk from farms rather than in sales of the bottled product. The Cleveland blend price at Coldwater, Michigan, averaged \$3.71 during 1955 as compared with a Detroit blend at nearby location (Hillsdale and Litchfield, Michigan) of \$3.86.

A moderate seasonal change in the Class I differential should be adopted. The Detroit market has previously relied exclusively on the base-rating plan as a means of encouraging level production. Under this plan farmers have maximized their production during the fall in order to establish as high a base as possible for the following year. By having a lower Class I differential in the spring than in the fall months, the difference between the base and excess prices will

be narrowed, and the effect of the base plan will be somewhat lessened. However, the seasonal differential will provide additional money to farmers during the fall months when costs are highest. The net effect on farmers' seasonal plans may not be greatly affected, although it is difficult to predict the amount of price change which may be necessary to offset the change in the base plan incentive.

A basic reason for adopting a seasonal change in the Class I differentials is to have the Detroit Class I price conform more closely to out-of-area prices. Sales competition with the Toledo market and other Federal order areas where the Class I prices vary seasonally are described in more detail in connection with issue number 12. In markets not under Federal orders, it is common for prices to be lower in the flush production season and higher in the season of lowest production.

4. On page 3940, change the first sentence in the last paragraph beginning in column 3 to read as follows: "However, the differentials to handlers should move in amounts of one-tenth cent."

5. On page 3941 insert after the partial paragraph at the top of column 1, the following: "The Butterfat differential to producers should be computed at the same rate as the differential to handlers, namely 0.113 times the market price of butter. However, the result should be rounded to the nearest half cent instead of the nearest one-tenth of a cent in order to facilitate computing the amounts due to the thousands of producers to whom payment must be made each month."

6. On page 3941 delete the last two sentences of the third complete paragraph in column 1 and substitute therefor the following: "In the recommended decision it was concluded that the location adjustments should be reduced both by lowering the rate in the 34-50 mile zone from 14 to 12 cents per hundred-weight and by halving the rate per mile in the more distant zones. However, exception was taken that the resulting reductions would be too great, especially in relation to the increases in wage rates and other costs which had already occurred at the time of the hearing and the further increases which were in prospect. In view of these factors, it is concluded that the rate in the first zone should be retained at the present level of 14 cents and that the rate for additional mileage should be halved, to 1 cent per 20 miles or fraction thereof."

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of May 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached

amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Detroit, Michigan, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 10th day of August 1956.

[SEAL]

EARL L. BUTZ,

Assistant Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area

§ 924.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, on February 28 through March 7, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hear-

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Revise § 924.5 to read as follows:

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenosha, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Salem, Northfield, Webster, Scio, Ann Arbor, Superior, Ypsilanti, Pittsfield, Lodi, Saline, York, and Augusta in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

2. In § 924.16 (b) delete from the proviso the phrase, "during each of the months of November 1955 through January 1956 and, in subsequent years".

3. Revise § 924.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk

and butterfat transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification, and allocation shall apply.

4. Delete § 924.46 (b) and substitute therefor the following:

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

5. In § 924.46 change the designation of paragraph "(c)", "(d)", and "(e)", to "(d)", "(e)", and "(f)", respectively.

6. Revise § 924.51 to read as follows:

§ 924.51 *Class I milk prices.* (a) Subject to the adjustment provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus \$1.23 during the months of February through July and plus \$1.63 in all other months.

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization at all pool plants, exclusive of variation in inventory during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased by 3 cents for each percentage point that such percentage is above the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage) and increased by 3 cents for each percentage point that such percentage is below the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage):

Month:	Percentages
January	129.8
February	130.3
March	134.7
April	142.0
May	151.7
June	157.5
July	143.1
August	140.9
September	131.0
October	125.7
November	124.0
December	129.9

Provided, That in no event shall the Class I price be increased or decreased

pursuant to this paragraph by more than 45 cents.

7. Revise § 924.52 to read as follows:

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of: (1) The price per hundredweight as described in § 924.50 (c), or (2) the price per hundredweight described in § 924.50 (b), less 18.3 cents.

(b) In the months of October, November, December, and January add 20 cents per hundredweight to the price determined in paragraph (a) of this section.

8. Revise § 924.53 to read as follows:

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

9. In § 924.60 (b) change the phrase, "other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47" to read, "other source milk is allocated to Class I pursuant to § 924.46 (b) and the corresponding step of § 924.47."

10. In § 924.60 (c), change the tabulation of road distances and rates per hundredweight to read as follows:

Shortest road distance from Detroit City Hall:	Rate per hundredweight
More than 34 miles but not more than 50 miles	\$0.14
More than 50 miles but not more than 70 miles	.15
Add 1 cent for each 20 miles or fraction thereof over 70 miles.	

11. At the end of § 924.71 (c) change the phrase "may retain his base without loss for six months." to read "may retain his base without loss for twelve months."

12. Change § 924.82 to read as follows:

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

[F. R. Doc. 56-6583; Filed, Aug. 15, 1956; 8:45 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-A22]

HANDLING OF MILK IN CHICAGO, ILLINOIS,
MARKETING AREADECISION WITH RESPECT TO PROPOSED MAR-
KETING AGREEMENT AND PROPOSED ORDER
AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on June 4, 6, and 7, 1956, pursuant to notice thereof which was issued on May 16, 1956 (21 F. R. 3327).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 20, 1956 (21 F. R. 5590), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to certain issues on the record of the hearing, and notice of opportunity to file written exception thereto.

The material issues on the record of the hearing related to:

1. The price level for Class I milk, including the supply-demand adjustment.
2. Revision of the definition of "pool plant" with respect to performance of plants and other qualifications; "reload point" as a type of pool plant; and accounting and payments for nonpool milk received at a pool plant.
3. Elimination of the special price applied in September, October and November to Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area.
4. Revision of price differentials to producers in nearby zones.
5. Changes in the method of accounting for milk, including use of a skim milk and butterfat system of accounting, and a special classification and accounting plan for skim milk and butterfat used in ice cream.
6. Expansion of the surplus milk manufacturing area.
7. Classification of malted milk.

In addition to the issues here listed, certain other matters were referred to in proposals included in the hearing notice, but were either abandoned or not specifically mentioned at the hearing. These matters included the price level for Class II milk, expansion of the marketing area to include all of Lake County, Illinois, advance payments to producers, new producer bases, and accounting for own-farm production. It is concluded that no action with respect to these matters should be taken on this record.

A request was made on the record that early action be taken on Issues No. 2 and No. 3, so that any resulting changes in the order could be made effective September 1, 1956. The recommended decision of the Acting Deputy Administrator issued July 20, 1956, dealt only with Issues No. 2 and No. 3, and this decision deals with these same issues.

Issues No. 1 and Nos. 4 through 7 are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based on the evidence contained in the record of the hearing:

Pool plants. The order requirements with respect to the qualifications to be met by plants for participation in the market-wide pool should be modified. The eligibility of supply plants for pooling should be based on the actual delivery of milk in the current month, or actual delivery in the months of September, October and November preceding, to plants processing and distributing Class I milk products or any Chicago inspected Class II milk product in the marketing area.

Present order provisions establish three categories of plants. The first category includes all plants which process and package any Class I milk product which is disposed of in the marketing area for consumption in fluid form. A second category is comprised of those supply plants which are not on the approved list of the Board of Health of Chicago, Illinois, and which are suppliers of plants from which Class I milk is distributed in the segment of the marketing area which lies outside the city limits of Chicago. Such supply plants are eligible for pooling on the basis of shipments of not less than 50 percent of the butterfat received from producers in fluid form as milk or cream. Any such plant fulfilling these requirements for each of the months of September, October and November, may remain in the pool through August of the following year. A third category of plants, the largest group, is comprised of those supply plants which are under the approval of the Board of Health of Chicago. These plants are automatically included in the pool on the basis of such approval but are subject to suspension from the pool during the months of March through July if they have not met certain requirements in the previous September, October and November. These requirements are, essentially, that such plants must make at least 50 percent of their producer milk available to the market during the fall months, either through actual shipment or by offers to sell to other pool plants. (In meeting the 50 percent requirement, however, allowance is made for Class I and Class II disposition within the surplus milk manufacturing area other than to pool plants.) Shipments in the form of milk, skim milk, concentrated milk, condensed skim milk, and fluid cream are given credit toward qualification under this requirement. The total requirement for all such types of disposition or offers, is 50 percent of the pounds of butterfat in milk received from producers at the plant, or 50 percent of the pounds of whole milk received from producers.

A proposal was made by a producer organization to alter substantially the requirements for pool participation by country supply plants. With respect to all country supply plants, the proposal would terminate credit toward pool qualification based on offers to sell milk to

plants processing and distributing Class I milk products in the marketing area. In the future pool qualification would be based on actual shipments from the supply plant to plants which process and package any Class I milk product or any Class II milk product required to be made from inspected milk. The requirement that a supply plant would have to meet, under the proposal, would be the shipment in such manner of at least 50 percent of the butterfat in milk received from producers. Proponent requested also that milk delivered to "receiving stations" which supply the market indirectly through shipments to other supply (pool) plants should also be permitted to qualify for pooling. In determining whether milk at such a receiving station qualifies, the receipts of both plants would be added together and the shipments from the intermediate plants would need to include at least 50 percent of the butterfat in the total receipts of both the receiving station(s) and the intermediate plant. The proposal also would provide that any plant meeting the above requirements during each of the months of September, October and November could remain a "pool plant" until the following September, unless the particular plant is voluntarily withdrawn from the pool through advance notice to the market administrator. An additional feature of the proposal is that the operator of a pool plant would be credited at the uniform price for any milk (which does not violate health requirements) received from a plant not meeting the requirements for pool participation.

The proposal to base the qualification of supply plants for pooling on actual shipments was supported by handler representatives. A request was made, however, that the order not be changed with respect to the forms of milk products allowed for credit toward qualification, i. e., that the privilege of shipping either 50 percent of butterfat in producer milk receipts, or the equivalent of 50 percent of producer milk receipts as milk or skim milk (fluid or condensed), be continued.

Opposition by a producer group to the proposed change in the pool plant requirements, as set forth in their brief, stressed the possibilities that the new requirements would eliminate a number of plants from the pool, result in uneconomical shipments of milk to the market, and benefit nearby producers at the expense of more distant producers. This producer group also objected to basing the pool requirement for supply plants solely on butterfat shipments.

Record data on the percentages of pool milk used for Class I and Class II uses in such fall months show that the average utilization in these classes has been well above 50 percent of total producer milk receipts. In the fall of 1955, the combined percentages for these classes were as follows: September, 86.8 percent; October, 80.2 percent; and November, 78.2 percent.

On the assumption that in these months milk received at pool plants in zones 1 and 2 was completely available for Class I and Class II uses, then of the milk received at plants in the remaining zones, most of which would be delivered

by producers to supply plants rather than to distributing plants, at least 74 percent in September 1955, 63 percent in October, and 61 percent in November would have been required to fulfill total Class I and Class II needs.

In the fall of 1953, the total supply of pool milk was unusually large in relation to Class I and Class II needs. If plants in zones 1 and 2 are likewise assumed to have received milk directly from farms and to have achieved utilization of all such milk in Class I and Class II at that time, the remaining plants would have had average utilization in these classes of 55 percent in September, 60 percent in October, and 46 percent in November. The need for milk to supply Class I and Class II utilization from plants in zones 3-22 would be still higher, of course, if, as is likely, bottling plants in the first two zones could not achieve full utilization in Class I and Class II of direct-shipped milk. Higher levels of utilization prevailed in the fall months of 1951, 1952, and 1954.

A plant which may be considered an integral part of the market supply should be able to attain an average utilization of at least 50 percent of its milk in Class I and Class II in the fall months under foreseeable circumstances. It is recognized that the total utilization in Classes I and II in these months, as referred to above, included bulk milk sales to distant points outside the surplus milk manufacturing area, but elimination of these sales from the computation would leave sufficient Class I and Class II milk to result in average utilization significantly greater than 50 percent at plants beyond the first two zones under the conditions outlined.

It is inappropriate to include in the pool, to receive the benefit of uniform prices, those plants which are not a regular and dependable part of the market supply. This may occur under the present provisions which allow plants to qualify on the basis of offers rather than actual shipments. Plants in which the principal operation is the manufacture of milk products may be attracted to the pool primarily to participate in the higher utilization of the fluid milk market without acceptance of responsibility for making supplies available to meet the higher-valued Class I and Class II requirements of the market when supplies may be urgently needed. Although trial of the present provisions has produced some beneficial effect in arresting plants which find the pool attractive for such purpose, difficulties in securing adequate market supplies have not been eliminated. Because of the foregoing considerations it is desirable to base participation of supply plants in the pool on a specified percentage of supplies shipped to the market.

The types of shipments allowed for qualification credit, i. e., milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, should remain as presently provided in the order. Also, there is no substantial reason for continuing to make distinction between the requirements applicable to Chicago approved supply plants and those concerned only with the suburban portion of the marketing area.

Proponents of the new pool plant provisions objected to the allowance of qualification credit on skim milk items shipped to market. This objection was based on the proposition that under the present "milk equivalent of butterfat" accounting method no price differential over the manufacturing price level is realized by producers from skim milk in Class II milk. Skim milk, however, is frequently needed by bottling plants for Class I disposition in the marketing area in such forms as "standardized" bottled milk, buttermilk and milk drinks, and skim milk, condensed or whole, is used at plants in the marketing area for Class II disposition as cottage cheese, ice cream and related products, all of which require substantial quantities of skim milk from inspected sources. Accordingly, shipments of these milk products, as well as the butterfat in milk or cream, should be considered as necessary to fulfill the total need for supplies for all Class I and Class II uses. For this particular purpose, it is not material that the present accounting plan does not provide a price differential on skim milk in Class II uses.

In the recommended decision it was concluded that a plant could qualify as a pool plant for the months of December through the following August if, during each of the immediately preceding months of September, October and November, the sum of its shipments to regulated plants of milk or butterfat in the specified forms equaled at least 50 percent of the volume of producer milk received at the plant during the month. In exceptions, some producers and handlers requested that the percentage requirement be an average for the three-month period, so as to make allowance for irregularities in receipts and market requirements. It is so provided in the amending language. To qualify for pool status on this basis, however, the plant should maintain a substantial connection with the market in each of the three months. A plant should not acquire pool status for the balance of the year if it fails in any one of the three months to ship at least 30 percent of its receipts in the manner prescribed.

It is appropriate to use the months of September, October and November as a basis for qualifying a plant for participation in the pool for the remainder of the year, since these have tended to be the months of shortest supply. Some plants supplying the market during these months may need to move only a small part, or perhaps none, of their milk to the market in the spring months, but the fact that a plant ships a substantial portion of its supply during the months of shortest production justifies its participation in the pool as part of the supply system throughout the year. Furthermore, it would be uneconomical to require such plants to ship to the market during the remainder of the year the same percentage of their receipts as is required during the fall months to insure a sufficient supply.

Plants which do not meet the 50-percent delivery performance requirement in the September-November period should be required to meet such standard each month until the plant has demon-

strated a firm association with the market in the short production season. In this connection it should be noted that relaxation of the delivery standard for any such plant, particularly for the months when production is approaching the seasonal high, would increase the attractiveness of the pool to milk which is surplus to a plant's fluid operations outside the Chicago marketing area, thus increasing the burden of seasonal surpluses carried by established Chicago producers. Such a plant should have a substantial, and continuing, outlet for milk in the marketing area to attain equal status with established suppliers of the market.

As mentioned previously herein, the proposal would allow a supply plant to qualify by shipments of milk to another supply plant, provided the latter plant shipped sufficient milk to distributing plants to qualify both plants. It was testified that to this extent flexibility in the provisions is needed to accommodate existing "feeder-plant" systems for assembling milk for movement to market. On reasonable balance between total producer (pool) receipts and Class I and Class II uses, a handler operating such a system of plants doubtless would need milk from all such plants in the September-November period, and thus would be able to qualify all plants in the system for the remainder of a twelve-month period.

On the other hand the order should not allow a handler to add a plant to his system without specific delivery performance during the months of December through August if such plant did not qualify for pool status in the prior September-November period as part of the handler's system on the basis of the 50 percent shipment standard. Such a limitation is desirable, since the provision for qualifying a system of supply plants as pool plants should not provide greater encouragement to handlers to add plants to the pool in months when additional milk is definitely not needed than to those plant operators looking to the market for the first time.

Some producer organizations requested that plants be protected against loss of pool status because of labor disputes. Such a provision is included in the amending language. This provision would exclude from the computation as to pool plant qualification, for the months of September, October and November, the receipts and shipments on the days affected by the labor dispute.

A corollary proposal of producer proponents is to allow the handler credit at the uniform price (adjusted for location) for milk received at pool plants from plants not having pool status in the computation of the handler's obligation for milk. The total value of the handler's milk receipts, including a value for "other source milk" received from plants not having pool status, would be computed at the class prices provided in the order. Against this aggregate value the handler would be credited at the market-wide uniform price for the amount of such other source milk received at a pool plant. Thus, milk received at a pool plant from a non-pool plant (except milk received in violation

of health requirements) would be valued to the handler at a price per hundredweight equal to the average market price to all producers. Any remaining milk in a non-pool plant would receive a return based on its use or disposition to outlets other than pool plants and would not be dependent in any way upon pricing or valuation under the order. In the major segments of the Chicago milkshed, the uniform price to producers computed under the order reasonably reflects the prevailing (or alternative outlet) value for milk of Grade A quality during several months of the year.

However, in the months of March, April, May and June, the uniform price sometimes declines below the price for Class IV milk in the most distant zones of the milkshed, and the alternative use value of inspected milk at such times approximates the Class IV price. Thus, the pricing of other source milk to the handler on the basis of its utilization, and a credit to the handler at the uniform price in the July-February period, and at the Class IV price in the months of March through June, together with complementary provisions for allocation, will prevent any displacement of producer milk in higher-valued uses and preserve the integrity of the classified-price plan. Although it would be possible for some other source milk, on which credit at the uniform price is applied, to be delivered to market and utilized in Class III or Class IV milk, any advantages to be gained by sending milk to pool plants for such uses are limited by the locations of plants and consequent adjustment of the uniform price credit based on pool plant location. In the event efforts are made to gain price advantage through use of nearby producer milk in the lower-valued classes and the substitution of other source milk from more distant locations in Class I and Class II uses, it would be appropriate to reconsider the amount of the credit allowed. When milk is transferred from a non-pool plant to a pool plant solely for manufacturing, credit to the pool plant at the uniform price on such milk would result in disadvantage to producers. In the latter instance credit at the Class IV price is appropriate and is so provided.

Price for Class I and Class II milk sold outside the surplus milk manufacturing area. The provisions for special (higher) prices for Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area during September, October, and November should be eliminated.

Elimination of the special price differential on milk and cream moved to distant markets in fall months was proposed by several producer organizations. This proposal was supported on the record primarily by incorporating by reference testimony and exhibits from previous hearings. The producer proponents of the revised pool plant qualification provisions suggested that the out-of-market price differential would no longer be appropriate if its pool plant proposal were adopted.

Prior testimony in support of the continuance of the special price provisions was based on the contentions that: (1) Some such provisions were needed to

make milk available in the marketing area during the short production season for Class I and Class II requirements, and (2) the additional 70 cents per hundredweight to be paid by handlers during fall months on sales outside the surplus milk manufacturing area would compensate the market pool for the attendant surplus in other months due to the tendency for out-of-market sales to be seasonal. Opposition testimony in the prior hearings alleged that the special price provisions hinder the sale of milk to other markets for Class I and Class II use, and consequently reduce the value of pool utilization below what it otherwise would be.

The 70-cent price differential added in case of Class I and Class II milk sold outside the surplus milk manufacturing area was first included in the order on July 1, 1951, at the time when the orders for Chicago and the suburban area were consolidated. The special price differential was adopted for the short production months of September, October, and November.

These provisions have been subject to modification and suspension from time to time with respect to whether the differential would apply in certain months or to particular shipments. Effective July 3, 1954, an amendment was adopted which made the application of the 70-cent differential in the fall months dependent on utilization in the market pool in the third preceding month. This amendment was based on a hearing in August 1953 from which it was concluded that the special price would not be appropriate in months when there was an ample supply of milk for both the Chicago marketing area and the outside fluid markets customarily served. On October 1, 1955, the price provisions on sales to other markets were amended so that the 70-cent differential would not apply to shipments made on any Friday or Saturday in view of the fact that marketing area demand for fluid requirements are low on these days as compared with other days in the week.

The application of the 70-cent differential on out-of-market sales has also been suspended several times. The suspension orders were supported by the industry generally on the basis that the price differential was inappropriate under the conditions which prevailed at the particular time.

At the June 1956 hearing, handlers and producers who, in previous hearings, had been principal supporters of continuance of the special 70-cent differential on out-of-market sales, as well as previous opponents of the provision, suggested its elimination at this time on the basis that the proposed new provisions for pool plants would operate to make more milk available to the marketing area in the fall season and would render the out-of-market price differential unnecessary. Inasmuch as the amendments to the pool plant provisions recommended herein are designed to achieve generally the objectives of the special price provisions, it is concluded that the latter provisions should be eliminated.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be

further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interests; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Order of the Secretary Directing That a Referendum Be Conducted; Determination of a Representative Period; and Designation of an Agent To Conduct Such Referendum.

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area) who, during the month of April 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order as amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is filed herewith.

The month of April 1956 is hereby determined to be the representative period for the conduct of such referendum.

J. L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not

become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

Issued at Washington, D. C., this 13th day of August 1956.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 941.8 by eliminating the word "or" at the end of paragraph (c), substituting a comma for the period at the end of paragraph (d), adding the word "or" following the comma and adding a new paragraph (e) as follows:

(e) Operates a nonpool plant qualified to supply Class I milk to the marketing area from which milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, is shipped to a regulated plant.

2. Amend § 941.45 by deleting paragraphs (e), (f), (g), (h), (i), and (j) and substituting therefor the following:

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk, or Class IV milk, the pounds of such other source milk used in Class I milk and Class II milk, respectively, from the remaining pounds in the class of use unless such other source milk is in violation of the applicable health requirements;

(f) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk which is not approved by the applicable health authority for distribution in the marketing area as any Class I milk product or as any Class II milk product required to be made from inspected milk;

(g) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk received at a pool plant which is not engaged in processing and packaging any Class I milk product specified in § 941.41(a)(1) or any Class II milk product required to be made from inspected milk by any health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area;

(h) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraphs (e), (f) and (g) of this section;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a) and IV milk are greater than the amount of milk received from producers, the difference shall be considered as other source milk and subtracted from the remaining amount of Class I milk; and

3. Amend § 941.52 by deleting the following:

a. The phrase "except as set forth in subparagraph (3) of this paragraph," from paragraphs (a) (1), (2), (b) (1) and (2).

b. Paragraphs (a) (3) and (b) (3), and

c. Paragraph (e).

4. Delete § 941.61 and substitute therefor the following:

§ 941.61 Obligation for other source milk. The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70, shall:

(a) Add an amount determined by multiplying the pounds of other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f) by the difference between the appropriate class price and the lowest announced class price per hundredweight applicable for the delivery period;

(b) For the delivery periods March through June, inclusive, add an amount computed as follows:

(1) Multiply the pounds of other source milk which is allocated to Class I milk or Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, by the difference between the appropriate class price and the lowest announced class price per hundredweight applicable for the delivery period, and

(2) Subtract therefrom the value obtained by multiplying such Class I milk and the 36 percent cream equivalent of the butterfat in such Class II milk by the rates of location adjustment credit set forth in paragraphs (a) and (b), respectively, of § 941.53.

(c) For the delivery periods July through February, inclusive, add or subtract, as the case may be, an amount computed as follows:

(1) Multiply the pounds of other source milk allocated to Class I and Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, and to Class III, Class III (a) and Class IV milk pursuant to paragraph (h) of that section by the appropriate class prices, and add together the resulting amounts.

(2) Subtract therefrom the values obtained by multiplying (i) the pounds of other source milk allocated to Class I milk pursuant to paragraphs (g) and (j) of § 941.45, and the pounds of other source milk received as milk or skim milk in fluid form at a plant which processes and packages any Class I milk specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area by the rate(s) of location adjustment credit set forth in § 941.53 (a), and (ii) the pounds of 36 percent cream equivalent of

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the butterfat in other source milk allocated to Class II milk pursuant to paragraph (g) of § 941.45, and the other source milk received as cream in fluid form at a plant which processes and packages any Class I milk specified in § 941.41 (a), or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area by the rate(s) of location adjustment credit set forth in § 941.53 (b).

(3) Multiply the total pounds of milk used in computing the value in subparagraph (1) of this paragraph by the uniform price applicable to milk received from producers during the delivery period, adjusted by the rate(s) of location adjustment specified in § 941.81.

(4) Subtract the value obtained in subparagraph (3) of this paragraph from the value remaining in subparagraph (2) of this paragraph and any plus difference shall be added to, and any minus difference shall be subtracted from, the handler's net pool obligation.

5. Delete § 941.66 and substitute therefor the following:

§ 941.66 *Pool plant.* "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area, or;

(b) Ships during the delivery period at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided, That:*

(1) In computing the percentages of milk, skim milk and cream on a product pounds basis, any shipments of concentrated milk or condensed skim milk to such a plant shall be based upon the quantity of milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk shipped;

(2) If, during September, October or November, a plant other than one which performs the functions described in paragraph (a) of this section receives milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form from another plant, any shipments by the receiving plant under the foregoing conditions set forth in this paragraph, which are in excess of the minimum quantity which qualified it as a pool plant shall be credited to the supplying plant toward its pool qualification, but such credit shall not exceed the quantity of butterfat or milk shipped from the supplying plant to the receiving plant. In the event the plant which has qualified as a pool plant under this paragraph receives but-

terfat or milk in any of the forms described in this subparagraph from more than one plant, any credit to be extended to the respective supplying plants (subject to the limitation above specified) shall be allocated to such plants in direct ratio to the quantity of butterfat or milk which each shipped to the receiving plant;

(3) If, during September, October, or November, a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph; and

(4) Any plant which, during the three-month period of September, October and November, ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of, at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers, shall be a pool plant beginning with December of the same year and continuing through August of the following year, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled: *Provided, That* no plant shall acquire pool plant status pursuant to this subparagraph if it fails to ship (or be credited with shipments of) in any one of the months of September, October and November, at least 30 percent of the pounds of butterfat in, or at least 30 percent of the volume of, milk received from dairy farmers at such plant, in the forms and in the manner specified in this subparagraph to a plant(s) which operates in the manner described in paragraph (a) of this section.

6. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Handlers who operate non-pool plants.* No provision of this order shall apply to the milk received at a non-pool plant from which some milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form, meeting the requirements of an applicable health authority in the marketing area, is shipped

to a regulated plant, except that the handler operating such nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

7. Amend § 941.70 (b) by inserting after the word "Add" the following phrase: "or subtract, as the case may be."

8. Amend § 941.86 by deleting the words following "other source milk" and substituting therefor the following: "used in the computations made pursuant to § 941.61".

[F. R. Doc. 56-6033; Filed, Aug. 15, 1956; 8:56 a. m.]

[7 CFR Part 964]

[Docket No. AO 258-A 1]

HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 11, 1956 upon proposed amendments to Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California. Said marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Deputy Administrator, Marketing Services, United States Department of Agriculture, on July 12, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (21 F. R. 5376) on July 18, 1956. No exception to said recommended decision was filed.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 56-5718; 21 F. R. 5376) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections which are set forth below.

The corrections are as follows: In the issue numbered 4 (in the seventh line from the bottom of the third column on page 5376) change the word "provisions" to "provision;" and in the issue numbered 5 (in the sixth line of the second column on page 5377) change "necessary" to "necessary."

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents

entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Dried Figs Produced in California" and "Order Amending the Order Regulating the Handling of Dried Figs Produced in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement be published in the *FEDERAL REGISTER*. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order amending the order, which will be published with this decision.

Order¹ Amending the Order Regulating the Handling of Dried Figs Produced in California

§ 964.0 Findings and determinations. The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (20 F. R. 1685) of this marketing order, and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 11, 1956, upon proposed amendments of Marketing Agreement No. 123 and Order No. 64 (7 CFR Part 964; 20 F. R. 1685), regulating the handling of dried figs produced in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said marketing order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(3) There are no differences in the production and marketing of dried figs in the production area covered by this marketing order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of dried figs produced in California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended as follows:

1. Delete the provisions of § 964.21 (a) and substitute for existing paragraph (a) the provisions of paragraph (c) of that section, relettered as paragraph (a), and amended to read as follows:

§ 964.21 Selection and term of office of members of the committee—(a) Selection of members. Selection of the 10 members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23 and 964.25.

2. Amend the provisions of § 964.21 (b) to read as follows:

(b) Term of office of members. The 10 members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary to serve for one year beginning July 1.

3. Amend the provisions of § 964.24 (a) to read as follows:

§ 964.24 Nomination of producer members of the committee—(a) Nomination meetings. Nominations for producer members and alternate producer members of the committee shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

4. Amend the provisions of § 964.26 to read as follows:

§ 964.26 Nomination of handler members. The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

5. Amend the provisions of paragraph (c) of § 964.34 to read as follows:

(c) Voting requirements. No action shall be taken by the committee at an assembled meeting including the nomination of an eleventh member unless a quorum is present and a concurring vote

of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained; *Provided however*, That any recommendation to establish volume regulation under § 964.55 shall require the concurring vote of not less than four handler members and four producer members, or alternate members acting in the place and stead of members. The committee may vote by mail or telegraph, when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully and identically by mail or telegraph to all members. A unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure to receive a vote from any member or from his alternate acting in his place and stead, within a prescribed time, shall be held to be a dissenting vote. No action to establish volume regulation under § 964.55 can be taken on the basis of a mail or telegraphic vote.

6. Amend the provisions of subparagraph (2) of paragraph (c) of § 964.90 to read as follows:

(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as fig paste, or sliced dried figs being prepared for disposition as sliced dried figs: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) no sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams.

Order Directing That a Referendum Be Conducted; Designating Agents To Conduct Such Referendum; and Determining the Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who during the period August 1, 1955 through July 31, 1956 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production, for market, of dried figs to determine whether such producers approve or favor the issuance of an order amending the order regulating the handling of dried figs produced in California, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

W. Allmendinger, W. B. Blackburn, T. R. Sturdevant, F. M. Grasberger, and Hugh Ross, of the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended (15 F. R. 5176; 19 F. R. 35)", except that the

definition of "producer" in paragraph a (1) is hereby amended by adding, at the end thereof, the following sentence: "This definition shall apply only to producers of figs who dry the same, either personally or through others on a fee basis, and to dry yard operators and other dehydrators who dry figs which they own."

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C.

Ballots and other necessary forms and instructions for use in the referendum, also copies of the order amending the marketing order may be obtained from W. Allmendinger, Oakland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3529 East Tulare Street, Fresno 2, California.

Dated: August 13, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6637; Filed, Aug. 15, 1956;
8:57 a. m.]

Commodity Exchange Authority [17 CFR Part 6]

SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

REPORTS BY ONION SHIPPERS, MERCHANTS, PROCESSORS, AND DEALERS WITH ONION FUTURES OPEN CONTRACTS OF SPECIFIED SIZE

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), that the Secretary of Agriculture is considering the issuance of regulations under the Commodity Exchange Act, to be designated §§ 6.16 to 6.19, inclusive, of Part 6, Chapter I, Title 17, Code of Federal Regulations (17 CFR Part 6), and the amendment of § 6.21 thereof (17 CFR 6.21), to read substantially as follows:

FORM 604

§ 6.16 *Shippers, merchandisers, processors, and dealers holding or controlling open contracts of specified size in onion futures to report weekly on Form 604.* Every person who is engaged in shipping, merchandising, processing, or dealing in onions or onion products and who holds or controls open contracts in any one onion future on any contract market which equal or exceed the amount fixed in § 6.21, shall report to the Commodity Exchange Authority on Form 604, which report shall be rendered as of the close of business on Friday of each week unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown.

§ 6.17 *Information shown in reports on Form 604.* Reports made by any person on Form 604 shall be prepared in accordance with the instructions appearing on Form 604 and shall contain the following information:

(a) The makeup of the cash-onion position held or controlled by such person showing the amount of

(1) Onions being raised or expected to be raised in the ensuing 12 months, including the acreage in each State,

(2) Inventory (stocks) of onions in storage (other than cold storage) and in cold storage,

(3) Onions in transit, by railroad (including cars on track), and by truck,

(4) Unfilled fixed-price purchase commitments,

(5) Unfilled fixed-price sales commitments,

(6) Onion products, including unfilled fixed-price purchase and sales commitments; and

(b) The amount of open contracts held or controlled by such person in all onion futures on all boards of trade (exchanges) in the United States and elsewhere.

§ 6.18 *Cash-onion position; how determined.* (a) In determining the cash-onion position of any person reporting on Form 604, such person shall use such standards and such conversion factors as are usual and common to the business in which he is engaged. If, in determining the cash-onion position of such person for hedging purposes, it be his practice regularly to exclude certain products, such products shall be excluded in reporting such cash-onion position on Form 604.

(b) Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the kind and amount of each product included in computing his cash-onion position and the conversion factor used for each such product.

§ 6.19 *Time of filing reports on Form 604.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 604 shall be filed with the Commodity Exchange Authority not later than the next business day following the day covered by the report: *Provided*, That reports may be transmitted by mail in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing.

§ 6.21 *Amount fixed for reporting on Forms 603 and 604.* For the purpose of §§ 6.10, 6.14, and 6.16, the amount fixed by the Secretary of Agriculture, under authority of section 41 (2) of the Commodity Exchange Act, for reporting on Form 603 and Form 604 is 25 carlots.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations should file the same with the Administrator, Commodity Exchange Authority, United States Department

of Agriculture, Washington 25, D. C., not later than September 4, 1956.

Issued: August 13, 1956.

[SEAL] RODGER R. KAUFFMAN,
Administrator,
Commodity Exchange Authority.

[F. R. Doc. 56-6636; Filed, Aug. 15, 1956;
8:57 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

BATTERY INDUSTRY

This matter is before the Secretary of Labor for initial decision on a determination of prevailing minimum wages for the battery industry on the record of a hearing at which a hearing officer presided.

1. *Definition.* The notice of hearing defined the battery industry as follows: The battery industry is that industry which manufactures or furnishes all types of electric batteries, including lead-acid storage batteries or plates therefor; dry primary batteries; all other batteries or parts therefor except glass containers and porcelain covers for wet primary batteries.

No comments or objections as to the adequacy of the definition having been received, and after full consideration of the record, I find that the definition as stated in the notice is appropriate for this industry.

2. *Product differentials.* Evidence in the record indicates that there is a considerable difference in the procedures involved in manufacturing different types of batteries.

The manufacture of dry primary batteries is largely light assembly work, whereas the production of lead acid and other batteries is heavy work which requires more training. The record further indicates that the different types of batteries are made in different plants or departments and that there is a difference in skill requirements, end product, materials used, weight of the product and hazards involved in the manufacture of the different types of batteries.

The data compiled by the Bureau of Labor Statistics indicate significant differences in the average hourly earnings of workers making the different types of batteries. For example, median rates were \$1.84 for lead-acid storage batteries, \$1.42 for dry primary batteries, and \$1.70 for other batteries. The proportions of workers receiving rates below certain levels also differed considerably. Bureau of Labor Statistics Table No. 2 indicates that 6.8 percent of the lead acid storage battery workers (except beginners and apprentices) received less than \$1.35 compared with 42.2 percent for dry primary batteries and 14.2 percent for other batteries.

Based upon the above considerations, I find that the determination should provide separate minimum wage rates for the three branches of the industry.

3. *Marketing and competitive factors.* Marketing information presented by the Government shows that during the cal-

endar year 1954 Government agencies awarded 168 battery contracts valued at \$39,701,000 which were subject to the Walsh-Healey Public Contracts Act. Of this total, 84 contracts valued at \$16,049,000 were for lead-acid storage batteries, 59 contracts valued at \$15,811,000 were for dry primary batteries, and 25 contracts valued at \$7,841,000 were for other batteries.

Dry primary batteries. The Signal Corps (the largest government procurement agency for dry primary batteries), acts as a centralized procurement agency for the Department of Defense. I take official notice that it is the practice of the Signal Corps to award contracts for the manufacture and supply of dry primary batteries upon the basis of low bidder f. o. b. factory, as the delivery points of the purchased batteries are not known at the time of the award. Shipping instructions are sent to the successful bidders after the awards; the batteries are shipped over Government Bills of Lading.

Government Exhibit No. 11 shows the place of manufacture of dry primary batteries as reported on seven invitations to bid for dry primary contracts to be awarded by the Signal Corps for the fiscal year 1955. The exhibit further shows that for six out of the seven invitations to bid listed on the exhibit, the places of manufacture indicated by the bidders were scattered among all five regions shown on the exhibit (New England, Middle Atlantic, Southeast, Great Lakes and Middle West). The places of manufacture indicated by those receiving contracts were distributed among all five regions on four out of the seven invitations to bid, and in no case were there less than three regions represented on any single invitation.

It is apparent from the foregoing that no geographic limitations are feasible in this branch of the industry. The area of competition is industry-wide. On any particular invitation, bids are received and contracts awarded to firms located throughout the United States. As the contracting agency does not know prior to issuing an invitation to bid where the particular batteries are to be shipped and contracts are awarded to the lowest bidder f. o. b. factory rather than f. o. b. destination point, procurement officers can anticipate receiving bids from firms located throughout the country, and it is impossible to predict where any particular contract materials will be manufactured when bids are invited.

For these reasons, I find that the locality in which dry primary batteries are to be manufactured or furnished under Government contracts extends to all of that area in which the dry primary branch of the industry has its plants, and that geographic differentials cannot be adopted for this branch of the industry without defeating the purpose of the Public Contracts Act.

Lead-acid storage batteries and other batteries. In order to show the marketing and competitive aspects of the lead-acid storage battery branch and the other battery branch of the battery industry, the Government introduced various exhibits based on statistics compiled from the General Services Administration

and the Army Ordnance Command, two of the larger Government buyers of lead-acid storage batteries and other batteries.

The General Services Administration divides its storage battery procurement into two separate classifications—automotive type and heavy duty electric storage batteries. This latter group also encompasses the type of battery we have classified for purposes of this determination as other batteries. For each classification of batteries, General Services Administration publishes a Federal Supply Schedule. Use of these schedules is mandatory upon all departments and establishments in the Executive Branch of the Government, except the Department of Defense.

In compiling its supply schedule for the purchase of heavy duty electric storage batteries, it is the practice of the General Services Administration to issue an invitation to bid for contracts to be awarded for a forthcoming fiscal year. I hereby take official notice of the General Services Administration Invitation for Bids, which indicates awards are made to the "bidder offering the lowest cost per ampere-hour capacity at rate requested for the respective items, f. o. b. factory". The firm submitting the lowest bid per ampere-hour for a particular battery is then listed on the Federal Supply Schedule, and is the only manufacturer from whom the particular battery may be purchased for the year in which the Schedule is in force.

In compiling its automotive storage battery procurement schedule for a forthcoming year, the General Services Administration issues invitations to bid based on delivered price to particular defined areas. Evidence in the record indicates that bids are received from many firms located outside these delivery areas. The record further indicates that firms manufacturing this type of battery are located throughout the United States.

The Army Ordnance Tank Command, Detroit, Michigan, purchases a large proportion of all lead-acid and other storage batteries for use by the Department of Defense. Unlike General Services Administration, the Ordnance Tank Command does not differentiate between types of storage batteries, but generally procures all lead-acid storage batteries and other batteries in the same way. The Ordnance Tank Command uses only one bidder's list (Government Exhibit No. 10) for procuring lead-acid and other batteries. The Command acts in the capacity of a centralized purchasing agency, and I take official notice of the fact that generally it does not know at the time of an award to what destination the purchased batteries will be shipped. This being the case, contracts are awarded f. o. b. factory, and shipping instructions are sent to the successful contractor at a later date. The batteries are generally shipped over Government bills of lading.

Government Exhibit No. 10, which is the only bidder's list used by the Army Ordnance Command in soliciting bids for all lead-acid and other batteries, indicates that the firms from which bids are solicited are located throughout the

United States. The record further indicates that on any particular invitation to bid, as many as 20 firms appearing on this list can reasonably be expected to submit a bid.

To further supplement the evidence bearing on the marketing and competitive aspects of this industry, the Wage and Hour Division of the Department sent inquiries to the firms appearing on the Government Award List and asked them to submit information relating to the distribution of batteries manufactured in their individual plants. These firms were asked, specifically, whether a battery produced in a specific plant was only distributed in a limited geographic area. The responses were tabulated and appear in this evidence as Government Exhibit No. 7. This exhibit indicates that firms supplying 83 percent of the dollar value of lead-acid batteries and 100 percent of the dollar value of the other batteries distribute their batteries nationwide.

From the foregoing, it is apparent that no geographic limitations are feasible in the lead-acid storage battery branch and the other battery branch of this industry. The area of competition in each branch is industry-wide. Due to the fact that these types of batteries are generally procured f. o. b. factory, a procurement officer can anticipate receiving bids from firms located throughout the country, and it would be impossible to predict where any particular contract materials will be manufactured when bids are received.

Even in situations where procurement agencies (GSA-automotive storage batteries) have solicited bids for delivery to specified areas, bids are received and contracts are awarded to manufacturers located outside the specific areas. It is officially noticed that automotive storage batteries account for only approximately 10 percent of all Government lead-acid storage battery procurement.

For these reasons, I find that the locality in which lead-acid storage batteries and other batteries are to be manufactured or furnished under Government contracts extends to all that area in which the lead-acid battery branch of the industry, and the other battery branch of the industry have their plants, and that geographic differentials cannot be adopted without defeating the purposes of the Public Contracts Act.

4. Locality. At the hearing and in post hearing briefs arguments were presented by representatives of both labor and management with regard to whether recognition of a single industry-wide rate would be consistent with the statutory language and intent of the Public Contracts Act. It was argued by counsel representing a dry primary battery manufacturer that section 1 (b) of the act requires that minimum rates be established for each small geographic area in which dry primary batteries are manufactured, and that the act cannot be construed as authorizing industry-wide rates. In accordance with this interpretation, counsel urged the Secretary to establish prevailing minimum wage rates for (1) "cities wherein the population is in excess of 50,000; next the Secretary should fix a differential

for those manufacturers located in towns under 50,000 population," or (2) "use an area definition which will specify that a rate is applicable to all manufacturers located in metropolitan areas, such as Chicago, and to all adjoining and contiguous counties, with a lesser rate applicable to all other counties in the state."

Labor representatives at the hearing presented arguments to show that the statutory language and the purpose of the Public Contracts Act require a construction which would permit recognition of an industry-wide minimum, and that the factors present in the Battery Industry require that a single industry-wide minimum be recognized in this case.

Counsel's argument that section 1 (b) of the act requires that minimum rates be established for each small geographic area in which dry primary batteries are manufactured, and that the act cannot be construed as authorizing industry-wide rates, is without merit. The United States Court of Appeals for the District of Columbia in *Mitchell v. Covington Mills*, 229 F. 2d 506, certiorari denied, 76 S. Ct. 546, has recently confirmed the Secretary's long-standing interpretation of the act, holding that an industry-wide determination is authorized, if not required, where the competition is industry-wide. The court further stated that to fix separate minima according to the wages that prevail in each separate community would freeze the competitive advantage of concerns operating in low wage communities and defeat the purpose of the act.

Counsel's suggestion to determine prevailing minimum wages based upon population or upon metropolitan and rural areas, where the competition is industry-wide, as here, would have the effect of freezing the competitive advantages of manufacturers operating in low wage communities, and must be rejected.

5. *Nature and adequacy of wage data.* The wage data presented at the hearing consist primarily of a survey of the battery industry conducted and prepared by the Bureau of Labor Statistics (hereinafter referred to as BLS). This survey included all establishments and separate departments of establishments primarily engaged in the manufacture of batteries and employing five or more workers. The survey includes separate tabulations for the manufacture of lead acid storage batteries, dry primary batteries, and other batteries.

Of the plants and departments studied, the Bureau of Labor Statistics survey includes 171 of an estimated total of 176 lead acid storage battery establishments, 28 of an estimated total of 28 dry primary establishments, and 10 of an estimated total of 11 other battery establishments studied. These establishments account for 99.8 percent of the 10,207 covered workers in the lead acid storage battery establishments, and 98.4 percent of the 1,284 covered workers in the other battery establishments.

A review of the survey and the evidence adduced at the hearing indicated a need for a supplemental tabulation showing the lowest rate paid to all covered workers irrespective of work experience. In order to correct the situation

and in accordance with section 7 (d) of the Administrative Procedure Act, I hereby take official notice and make part of the record Supplemental Government Exhibit Table 8 (hereinafter referred to as BLS Table 8) prepared by the Bureau of Labor Statistics. This table is composed of a combination of the data contained in Tables 3 and 3-A which indicate the wages paid to experienced workers (excluding apprentices and beginners) and beginners, and which were included in the survey prepared by the Bureau of Labor Statistics accepted into evidence at the hearing. Additional copies of Supplemental Government Exhibit Table 8 are available and will be furnished interested parties upon request.

In addition to the above survey, the record contains exhibits introduced by labor representatives indicating minimum job rates in plants with which they have contracts, wage increases in these plants which have been negotiated and are in effect since the Bureau of Labor Statistics survey, and the estimated cost of selected fringe benefits in effect in various plants with which they have contracts.

The only wage data presented by management representatives consisted of a comparison of straight-time hourly rates for telephone operators in Freeport and Chicago, Illinois, and wage information for various manufacturing industries taken from the Daily Labor Reporter of April 27, 1955.

Upon a review of the entire record, I find that the evidence of record is sufficient to determine the prevailing minimum wage for the Battery Industry.

6. *Recommendations on prevailing minimum wages.* A minimum rate of not more than \$1.00 per hour was recommended by the management representatives who testified at the hearing. The proposal was based on the Fair Labor Standards Act minimum of \$1.00 per hour effective March 1, 1956, as well as data included in the Bureau of Labor Statistics survey. Management representatives contended that Bureau of Labor Statistics Table 6 presented the only pertinent wage data as the other tabulations reported average hourly earnings, including incentive payments.

The AFL and IBEW proposed a minimum of \$1.24 for the dry primary battery branch, \$1.51 for the lead acid storage branch, and \$1.33 for the other battery branch of the industry. These proposals were based upon an analysis of Bureau of Labor Statistics Tables 2, 2A, 2C, 5, 5A, and 5B and the inclusion of an estimated 6 cent increase since the date of the survey, based upon Bureau of Labor Statistics Earnings and Hours data and changes in union contract rates. They also recommended that these rates be adjusted to include any additional increases occurring before the date of the determination.

The IUE (CIO) proposed a minimum of at least \$1.50 per hour for lead acid storage batteries and based their proposal upon data shown in Bureau of Labor Statistics Tables 2, 3, 4A, and 5 and an estimated 7-cent increase since November 1954 based upon Bureau of Labor Statistics monthly wage data re-

ports. Reference was also made to contract rates in IUE (CIO) plants. This union has no contracts in dry primary battery plants but suggested a minimum of at least \$1.25 per hour for dry primary batteries. They also proposed that plants making other batteries be classified as storage or primary and included in the respective branches.

The UAW (CIO) recommended a minimum of at least \$1.50 per hour for lead acid storage batteries and \$1.24 per hour for dry primary batteries with fringe benefits to be added. They proposed that plants in the other batteries be separated into storage and dry primary batteries and combined with the respective groups. The \$1.50 per hour minimum proposed for lead-acid storage batteries was justified on three bases: (1) Union contract minimum rates; (2) the cluster theory applied to Bureau of Labor Statistics data; and (3) the lowest rate paid by about half of the establishments with about half of the workers, as shown in Bureau of Labor Statistics Tables 3 and 5. A 7-cent increase since November 1954 was included in the above proposed \$1.50 rate, based upon Bureau of Labor Statistics monthly data (November 1954-July 1955) and on the basis of wage increases reflected in union contracts which have become effective and also those which will become effective before the date of the determination. The \$1.24 rate proposed for dry primary batteries was based upon data shown in BLS Tables 2 and 5A and includes a 6-cent increase since November 1954, based upon BLS Earnings and Hours data.

7. *Lead acid storage batteries branch—Analysis of wage data.* The labor representatives contended that BLS Table 3 justifies a finding of \$1.43 and \$1.45 as the prevailing minimum wage rates for the lead-acid storage batteries branch. However, Table 8 shows that only about 38 percent of the establishments in this branch paid a minimum wage to covered workers of as much as \$1.43 per hour. Their contention also finds no support in the evidence as to the lowest job rates and the lowest hiring rates in the plants reporting each type. Lowest established job rates of \$1.43 or more were shown by only 44.7 percent of the 114 establishments reporting such rates (BLS Table 4A), and lowest established hiring rates of \$1.43 or more per hour in only 27 percent of the 122 plants reporting hiring rates (BLS Table 4).

On the other hand, 51.7 percent of the 176 lead-acid storage battery plants in this branch employing 77 percent of all the covered workers in the branch (exclusive of beginners and apprentices) paid all of their covered workers at least \$1.35 per hour in November 1954 (BLS Table 5).

Bureau of Labor Statistics Table 3A indicates that only 25 percent of the 176 lead-acid storage battery plants employed beginners. Fifty-two percent of these 44 plants, employing 58 percent of the 2,243 covered workers in such plants, paid all beginners more than \$1.35.

Consideration has also been given to the lowest established job rates in lead-acid storage battery plants, although some reported rates may not have been paid recently. Fifty-two percent of the estab-

lishments having established job rates reported rates of \$1.35 per hour or more (BLS Table 4A). Of the 8,666 covered workers employed in these 114 establishments, 77 percent are employed in establishments reporting rates of \$1.35 per hour or more.

Fifty-nine percent of the 7,523 covered workers employed in the 123 plants reporting established hiring rates for beginners, were employed in establishments with hiring rates of \$1.35 or more (BLS Table 4).

IBEW Exhibit No. 1 shows that only one of the 12 plants having agreements with this union had a minimum hiring rate in November 1954 below \$1.35, the others ranging from \$1.49 to \$1.59 per hour. Minimum job rates in the 12 establishments varied from \$1.40 to \$1.69. Of the 19 establishments for which minimum hourly rates are shown in UAW Exhibit G, only one had a non-incentive rate below \$1.35 per hour, and that rate applied to a janitor in a plant with approximately 10 workers. The record indicates that all except one of the plants with IUE contracts had lowest job rates in excess of \$1.50 in November 1954; and three plants had hiring rates below \$1.50.

Further evidence of the prevalence of the \$1.35 per hour minimum rate is shown by BLS Table 8, which indicates the minimum wages paid to all employees, irrespective of work experience. This table shows that 48.3 percent of the lead-acid storage battery plants which employ approximately 74 percent of all the covered workers in the Branch pay no worker, regardless of work experience, less than \$1.35 per hour. Bureau of Labor Statistics Tables 2, 2B and 7 show that 92.4 percent of the covered workers received straight-time average hourly earnings of \$1.35 per hour or more in November 1954.

The evidence submitted by the Labor representatives further strengthens the conclusion that the prevailing minimum wage rate for the manufacture of lead-acid storage batteries is not less than \$1.35 per hour. The union contract data seem to justify an increase of at least six cents (since the date of the survey) for plants having union contracts, but very limited information appears in the record with reference to wage increases in other plants. This being the case, and since the number of plants represented by the unions is a relatively small proportion of the total of 176 establishments, I conclude that these data are inadequate for determining the amount of change in hourly wage rates since November 1954, the date of the survey.

The Labor representatives also used as the basis of their recommendations the BLS Earnings and Hours data published monthly, pointing out that these data also indicate a six-cent increase in gross hourly earnings since the date of the survey. A change in gross hourly earnings, however, does not necessarily reflect a change in minimum wages or even of wage rates exclusively, but may also result from variations in hours worked, employment, and shift premiums. For these reasons, I find that these data are also inadequate for determining what change, if any, has taken place in hourly

wage rates since November 1954, the date of the survey.

Accordingly, based upon substantial evidence of record I find that the prevailing minimum wage in the lead-acid storage battery branch of the industry is \$1.35 per hour.

8. Dry primary batteries branch—Analysis of wage data. The prevailing minimum rate of \$1.18 per hour in November of 1954 as proposed by the labor representatives for employees working in dry primary battery plants is not supported by the BLS survey. Only 7 of the 28 establishments employing 28 percent of the covered workers paid all covered workers (exclusive of beginners and apprentices) \$1.18 per hour or more (BLS tables 3). In addition, lowest established job rates of \$1.18 per hour or more were reported by only 6 of the 28 plants (BLS Table 4A), and lowest established hiring rates of \$1.18 or more, by only 3 of the 16 establishments reporting such rates (BLS Table 4). The contention of the labor representatives is not supported by substantial evidence.

The record indicates beginners are not widely employed in this branch of the industry, or substantially at wages below those paid experienced workers. BLS Table 8 shows the lowest wage rate actually paid all workers in this branch of the industry irrespective of work experience. This table shows that 53.6 percent of the plants employing 59 percent of the workers pay no worker, irrespective of work experience, less than \$1.08 per hour.

Evidence submitted by the labor representatives of changes in hourly earnings occurring since the time of the survey may not be considered for the same reasons stated above in the discussion of the prevailing minimum wage rate for the lead-acid storage battery branch of the industry.

Accordingly, based upon substantial evidence of record, I find that the prevailing minimum wage in the dry primary battery branch of the industry is \$1.08 per hour.

9. Other batteries branch—analysis of wage data. Five (45.5 percent) of the 11 plants in this branch of the industry with 75.9 percent of the covered workers (excluding beginners and apprentices) paid all such workers \$1.34 per hour or more in November 1954. Fifty percent of the 8 establishments reporting lowest established job rates reported rates also of \$1.34 per hour or more (BLS Table 4A). These establishments accounted for 86.1 percent of the employment in the plants reporting lowest established job rates in this branch of the industry.

It is apparent from the record, that although beginners are not widely employed in this branch of the industry, those that are employed at wages considerably less than those paid experienced workers. This being the case and in order not to impose undue hardship upon the plants employing beginners at wages lower than those paid to experienced workers, a tolerance from the prevailing minimum rate for the employment of beginners is indicated.

A beginner for purposes of the BLS survey was defined as "a new plant employee hired at a rate lower than that

established for a specific job during the period of time required to receive orientation or initial training for that job".

BLS Table 3A indicates that 4 out of the 11 plants in the other batteries branch-employed beginners. Three (75 percent) of these plants paid no beginners less than \$1.15 per hour.

Table 4B is a tabulation showing the time required for beginners hired at the lowest hiring rate to reach the rate level of the lowest established job rate, by product. This table indicates that only four plants reported differentials between the lowest established hiring rate and the lowest established job rate. This table further indicates that in these four plants it took six months for the beginner to reach the level of the job rate. As the new worker experiences no such delay at all in reaching the established rate in the remainder of this branch of the industry, it appears that a three-month tolerance for beginners would be the determination which would be least disruptive to employment practice in any part of this branch of the industry.

Accordingly, based upon substantial evidence of record I find that the prevailing minimum wage in the other battery branch of the industry for experienced workers is \$1.34 per hour and I conclude, also, that the employment of beginners at subminimum rates should be authorized, and that a wage rate of \$1.15 an hour, arrived at either on a time or incentive basis, for a period not to exceed three months, is appropriate and shall be permitted for beginners in the other battery branch of the battery industry.

Apprentices. The record indicates that there is no extensive employment of apprentices in this industry. However, it has consistently been the policy of the Department to encourage the training of workers in the skilled trades, and it appears appropriate and desirable to permit employment of bona fide apprentices at rates lower than \$1.35 per hour in the lead-acid storage battery branch, \$1.08 per hour in the dry primary battery branch, and \$1.34 per hour in the other battery branch provided their employment is in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

10. Proposed determination. Accordingly, upon the findings and conclusions stated herein, and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 237), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 202, by the addition of § 202.54 (41 CFR Part 202) to read as follows:

§ 202.54 Battery industry—(a) Definition. (1) The lead-acid storage battery branch of the battery industry is defined as that industry which manufactures or furnishes lead-acid storage batteries or parts therefor.

(2) The dry primary battery branch of the battery industry is defined as that

industry which manufactures or furnishes dry primary batteries.

(3) The other battery branch of the battery industry is defined as that industry which manufactures or furnishes all batteries and parts therefor, other than (i) lead-acid storage batteries and dry primary batteries, and their parts, and (ii) glass containers and porcelain covers for wet primary batteries.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the lead-acid storage battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than \$1.35 per hour arrived at either on a time or piece rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the dry primary battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than \$1.08 per hour arrived at either on a time or piece rate basis.

(3) The minimum wage for persons employed in the manufacture or furnishing of products of the other battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than \$1.34 per hour arrived at either on a time or piece rate basis.

(c) *Tolerances.* (1) Beginners as defined in this paragraph may be employed in the other battery branch of the battery industry at wages of not less than \$1.15 per hour, arrived at either on a time or piece rate basis. A beginner for the purpose of this section is a person who has had less than three months' experience in the plant in which he is employed.

(2) Apprentices may be employed at wages less than \$1.35 per hour in the lead-acid storage battery branch, \$1.08 per hour in the dry primary battery branch, and \$1.34 per hour in the other battery branch, upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the *FEDERAL REGISTER*, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secre-

tary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 9th day of August 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-6630; Filed, Aug. 15, 1956;
8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 239, 271, 274]

COMMISSION'S STATEMENT OF POLICY WITH
RESPECT TO USE, FORM AND CONTENT OF
SALES LITERATURE EMPLOYED IN SALE OF
INVESTMENT COMPANY SECURITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of the Statement of Policy adopted by the Commission August 11, 1950, and effective January 31, 1955 (20 F. R. 791), and that a public hearing on the proposed revision will be held in Room 193 at its office, 425 Second Street NW., Washington, D. C., on November 15, 1956, at 10:00 a. m.

The Statement of Policy sets forth the respects in which the Commission considers that literature used in connection with the sale of investment company shares may be misleading and violate the standards of the securities acts which, generally speaking, provide that it shall be unlawful to offer or sell securities by means of any untrue statement or omission of a material fact or by any fraudulent or deceitful practice or device.

Since the amendments to the Statement of Policy adopted on January 31, 1955, the Commission has received requests from representatives of the National Association of Securities Dealers, Inc. and other investment company businesses to revise the Statement in a manner which would permit greater latitude in the preparation of illustrative charts and tables. The Commission has considered the various suggestions received and has concluded it would not be appropriate to adopt these proposals at this time.

The Commission has reviewed sales literature used in the sale of the securities of investment companies since the revision of the Statement of Policy on January 31, 1955. As a result of its study, the Commission has decided to propose certain revisions to the Statement of Policy which it is believed would eliminate many of the problems which presently exist. The proposed revisions relate to the manner of presentation in chart or tabular form of the results of an assumed investment in the shares of an investment company.

One of the underlying purposes of the Statement of Policy is to prevent the practice of combining investment income, securities profits and changes in asset value of shares for the purpose of portraying a purported overall result, in terms of a rate of return or a percentage yield on the original investment.

Thus, the Statement of Policy declares that it is misleading to combine into any one amount distributions from net investment income with distributions from any other source. The Commission believes the suggested revisions should reinforce these principles by requiring that charts or tables show separately the three elements involved in investment company performance—namely, investment income, capital gains distributions and asset value reflecting unrealized appreciation or depreciation.

Briefly stated, the proposed revision would restate paragraph (j) of the Statement of Policy so as to require that any chart or table depicting the record of an assumed investment shall show separately, and not in any combination, changes in net asset value of the original investment at year-ends, amounts of dividends from net investment income and amounts of distributions from capital gains paid in any year. The Statement of Policy as presently in effect permits use of a chart showing the cumulative amount of distributions from capital gains as an addition to, and thus in combination with, the line showing changes in net asset value of the original investment. The proposed revision requires that such distributions be shown only in a separate bar chart in the same manner as distributions from net investment income.

The proposed revision also requires that any chart or table showing either the record of an assumed investment or of a company shall be prepared on a basis which does not assume reinvestment of investment income or capital gains distributions. The restriction presently in the Statement of Policy limiting charts or tables to a period of not more than ten years would be eliminated. The rate of return represented by the dividends from net investments income paid during each period will be required to be shown in prospectuses and in sales literature as a percentage of the average monthly offering price for that period.

In addition, the Commission proposes to eliminate the provisions of paragraph (n) (4) of the Statement of Policy, which presently permits use of summary tables showing the results of a plan under which dividends from investment income are assumed to be reinvested.

The Commission has also proposed a new paragraph (s) of the Statement of Policy which would require investment companies to point out that capital gains distributions are taxable to stockholders, whether received in cash or reinvested in additional shares of the investment company, and that such distributions may represent a return of capital and not a gain in or increase over the capital investment made by the stockholder in the shares of the investment company.

In connection with the foregoing proposed revision, the Commission is also considering a proposed revision and consolidation of Forms N-8B-2 and N-8B-3 (§§ 274.12 and 274.13) and a proposed revision of Form S-6 (§ 239.16) under the Securities Act of 1933 as amended.

1. Paragraph (j) of the Statement of Policy as proposed to be revised will read as follows:

(j) (1) To use any chart designed to depict the record of an assumed investment in the shares of an investment company over a specific period of time unless it is prepared in accordance with the following:

(i) Such chart shall be drawn to scale which shall be shown on the left-hand side of the chart and the same scale shall be used for all segments of the chart. The period covered by the chart shall be the life of the company or the immediately preceding ten years, provided that periods longer than ten years may be used if such additional periods are in multiples of five years and provided that a portion of the current year may be added to the period ended with the last fiscal or calendar year.

(ii) The initial asset value and the maximum selling commission currently in effect shall be shown separately in a single bar, drawn to scale, at the left side of the chart together with the total cost of the investment. In addition a line showing the amount of the total investment shall be drawn across the face of the chart.

(iii) Figures shall be placed on the chart giving the net asset values at each year-end.

(iv) Dividends from investment income for each year depicted and the total thereof shall be shown on a non-reinvested basis in a separate bar chart drawn to the same scale used in showing net asset value. The percentage rate of return computed as prescribed in paragraph (a) (1) hereof shall also be shown for each year covered by the chart or table.

(v) Distributions from profits realized upon the sale of securities or other realized capital gains for each year depicted and the total thereof shall be shown on a non-reinvested basis in a separate bar chart drawn to the same scale used in showing net asset value.

(vi) The text and graphic detail shall be as shown on Sample Chart A,¹ except that any reasonable paraphrase may be used. Such chart, however, shall not be captioned or characterized as the record of the fund. Charts may be set up in amounts other than the \$10,000 shown on the sample chart, or on a per share basis.

Appropriate footnotes may be used to show that the selling commission on single purchases over certain figures is less than the gross selling commission shown in the bar on the left side of the chart.

Any table containing the same information and covering the same period of time as set forth above as to charts may also be used. Any table designed to depict a continuous investment program shall be prepared on a basis which does not assume reinvestment of investment income or capital gains distributions, shall be based on the actual offering prices of the shares of a particular investment company and shall show the total cumulative payments at each year end, the asset value at year end, annual amounts of investment income and capital gains distributions and the aggregate amount of each for the entire period.

(2) To use any chart or table depicting the record of an investment company (as distinguished from charts or tables depicting assumed investment experience covered in (j) (1) above) over a specific period of time other than the following:

(i) A single chart as shown in Sample Chart B¹ depicting the net asset value per share at year ends (either calendar or fiscal). Such a chart may cover the life of the company or periods of ten years or longer provided such additional periods are in multiples of five years and provided that a portion of the current year may be added to the period ended with the last fiscal or calendar year. Such a chart shall show annual distributions per share from net investment income and from capital gains on a non-cumulative and non-reinvested basis in tabular form beneath the base line of the chart.

(ii) A statistical table covering the life of the company or periods of ten years or longer, provided such periods are in multiples of five years, which shows the following information as of each year-end or for each year (either calendar or fiscal) covered for a share outstanding throughout the year: net asset value at beginning of year, effect of changes in realized and unrealized gains (or losses) on portfolio securities during year, distributions of capital gains, net investment income, dividends from net investment income, net asset value at end of year, shares outstanding at end of year, and may include the

number of shares outstanding, number of shareholders and total net assets at end of year.

Such chart or table shall also show for each year covered the percentage rate of return from dividends from net investment income computed as prescribed in paragraph (a) (1) hereof.

(3) To use any chart or table in which investment income payments or capital gains distributions are shown on a reinvested basis.

2. Paragraph (s) as proposed will read as follows:

(s) To discuss or refer to capital gains, securities profits or other capital distributions without pointing out—

(1) That such distributions are taxable to the security holder whether received in cash or property or reinvested in additional stock of the investment company; and

(2) That such distributions may represent a return of capital and not a gain in or increase over the capital investment made by the stockholder in the shares of the investment company and that such distributions are taxable to the stockholder even though they represent a return of capital.

Any person interested in presenting his views on the proposed revision of the Statement of Policy at the public hearing should, not later than 5:30 p. m., on November 12, 1956, submit to the Commission, in writing, a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

In addition all other interested persons are invited to submit their views and comments on the proposed revision, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 8, 1956.

[F. R. Doc. 56-6809; Filed, Aug. 15, 1956; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 1705-6]

AIRFREIGHT RATE CASE

NOTICE OF HEARING

In the matter of minimum rates for airfreight forwarders.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a),

403, 404, and 1002 of said act, that a public hearing in the above-entitled proceeding will be held September 5, 1956, at 10 a. m., e. d. s. t., in room No. 5132, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. Whether the existing minimum rates and charges for transportation of

airfreight as provided in order No. E-1639, as amended, should be prescribed for airfreight forwarders, and

2. If existing minimum rates and charges for the transportation of airfreight should not be made applicable to airfreight forwarders, what are the fair and reasonable minimum rates and charges for transportation of airfreight by airfreight forwarders?

Notice is further given that any interested person, other than parties of record, desiring to be heard regarding

¹ Filed as part of the original document.

the issues consolidated in this proceeding must file with the Civil Aeronautics Board on or before September 5, 1956, a statement setting forth the matters of fact or law upon which he desires to be heard.

Dated at Washington, D. C., August 13, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-6639; Filed, Aug. 15, 1956;
8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[60471]

UTAH

POWER SITE RESERVE NO. 7 ADJUSTMENT

AUGUST 10, 1956.

The land description in Power Site Reserve No. 7, which was created by Executive order of July 2, 1910, so far as it affects the lands described in sections 18, 19, and 30, T. 3 S., R. 21 E., S. L. M., Utah, is hereby conformed to existing plats of survey to read as follows:

SALT LAKE MERIDIAN

T. 3 S., R. 21 E.,
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 30, lots 5, 6, 7, 8, 9, 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 501.88 acres.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-6587; Filed, Aug. 15, 1956;
8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Bureau of Land Management has filed an application, Serial No. Fairbanks 012558, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excluding the mineral leasing laws and the disposal of materials under the Materials Act. The applicant desires the land for camping, picnicking and other public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SLIME CREEK AREA

An area surrounding a portion of Slime Creek at approximately mile 9 of the McKinley Park-Cantwell Road as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point in the center of the McKinley Park-Cantwell Road at approximate latitude 63°30'36" N., longitude 148°48'44" W. as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Healy (C-4) Alaska, approximately one chain northerly of the intersection of said road with Slime Creek; thence 15 chains southerly along the centerline of said road; thence east 8 chains; thence northerly parallel to the centerline of said road 15 chains; thence west 8 chains to the center of said road and the point of beginning.

Aggregating approximately 12 acres.

TWO-TOM OR TWIN LAKES

An area situated between the Two-Tom or Twin Lakes which are located at about mile 7.5 of the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the north shore of the southernmost of the two lakes at approximate latitude 63°23'45" N., longitude 148°40'00" W., where the longitudinal bearing intersects the shoreline of the said lake and as shown on the 1951 edition of the U. S. G. S. topographic quadrangle designated Healy (B-4), Alaska; thence westerly along the edge of this lake 15 chains; thence north approximately 15 chains to the south shore of the northernmost of the two lakes; thence easterly along the south shore of the said lake approximately 15 chains to a point directly north of the point of beginning; thence south approximately 10 chains to the point of beginning.

Containing approximately 18.7 acres.

UNNAMED CREEK AT MILE 14.75

An area surrounding the crossing of an unnamed creek by the Denali Highway at approximately mile 14.75 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads more particularly described as follows:

Beginning at a point in the center of the Denali Highway where it crosses an unnamed creek at approximate latitude 63°23'02" N., longitude 148°25'56" W., and as shown on the 1952 edition of the U. S. G. S. topographic quadrangle designated Healy (B-3), Alaska; thence southerly along the west bank of the creek 5 chains; thence westerly parallel with the centerline of the Denali Highway 5 chains; thence north 5 chains to the centerline of the Denali Highway; thence north 5 chains; thence easterly parallel with the centerline of the Denali Highway 5 chains; thence south 5 chains to the centerline of the Denali Highway and the point of beginning.

Containing approximately 5 acres.

LILLY CREEK AREA

An area bordering Lilly Creek and a small tributary thereof where they are crossed by the Denali Highway at approximately mile 23 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it crosses Lilly Creek at approximate latitude 63°20'07" N., longitude 148°16'11" W., and as shown on the 1952 edition of the U. S. G. S. topographic quadrangle designated Healy (B-3), Alaska; thence northwesterly along the centerline of the Denali Highway approximately 10 chains to its intersection with the tribu-

tary of Lilly Creek; thence northeasterly downstream along the southern bank of said tributary to its confluence with Lilly Creek; thence southeasterly upstream along the southern bank of Lilly Creek to its crossing by the Denali Highway and the point of beginning.

Containing approximately 2.5 acres.

SEATTLE CREEK AREA

An area abutting the Denali Highway at Seattle Creek at approximate mile 24 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it crosses Seattle Creek at approximate latitude 63°19'31" N., longitude 148°14'48" W., and as shown on the 1952 edition of the U. S. G. S. topographic quadrangle designated Healy (B-3), Alaska; thence northwesterly along the centerline of the Denali Highway 5 chains; thence north 60° E. 5 chains; thence southeasterly parallel to the centerline of the Denali Highway 24 chains; thence south 60° W. approximately 5 chains to a point on the centerline of the Denali Highway; thence northwesterly along said centerline approximately 19 chains to the point of beginning.

Containing approximately 12 acres.

BRUSHKANA CREEK

An area situated on the west side of Brushkana Creek and north side of the Denali Highway at the highway crossing which is located approximately mile 30.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway on the west bank of Brushkana Creek at the Highway bridge crossing situated at approximately latitude 63°17'22" N., longitude 148°03'45" W., and as shown on the 1952 edition of the U. S. G. S. Topographic Quadrangle designated Healy (B-3), Alaska; thence northwesterly along the centerline of the Denali Highway 10 chains; thence N. 18°30' E. 41 chains approximately to a point on the west bank of the Brushkana Creek; thence southwesterly upstream along said west bank approximately 65 chains to the centerline of the Denali Highway at the bridge crossing and the point of beginning.

Containing approximately 65 acres.

CANYON CREEK AREA

An area adjoining the south side of the Denali Highway at its crossing of Canyon Creek approximately at mile 40.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it intersects Canyon Creek at approximate latitude 63°14'46" N., longitude 147°48'04" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Healy (A-2), Alaska; thence southerly along the centerline of said Highway 10 chains; thence west to a point situated on the west side of Canyon Creek, 5 chains; thence northerly parallel to the centerline of the Denali Highway, 10 chains; thence east approximately 5 chains to the centerline of the Highway and the point of beginning.

Containing approximately 5 acres.

CONSTANCE CREEK AREA

An area adjoining the south side of the Denali Highway at its crossing of a stream locally known as Constance Creek at approximately mile 107 as measured from the intersection of the McKinley Park-Summit-

Denali Highway roads and about 3.5 miles west of the Tangle Lakes Bridge and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it intersects the west bank of Constance Creek at approximate latitude 63°04'15" N., longitude 146°06'12" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Mount Hayes (A-5), Alaska; thence southerly meandering the west bank of said creek 12 chains; thence north 45° W. and approximately parallel with the Highway 20 chains; thence north 45° E. 8 chains approximately to a point on the centerline of the said Highway; thence approximately south 45° E. along the centerline of the Highway approximately 11 chains to the point of beginning.

Containing 12.4 acres.

Aggregating in total 8 sites containing approximately 132.60 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6588; Filed, Aug. 15, 1956;
8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Territorial Department of Lands has filed an application, Serial No. Anchorage 032306, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws. The applicant desires the land for its archaeological and historical values and the preservation thereof.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

YUKON ISLAND

Beginning at a point situated at mean high tide on the west side of Yukon Island in Kachemak Bay, Alaska, at approximate latitude 59°31'45" N., longitude 151°30'15" W., thence S. 70° E., 25 chains; thence S. 20° W. 30 chains; thence N. 70° W. 23 chains, approximately to the line of mean high tide; thence northerly along the line of mean high tide approximately 35 chains to the point of beginning.

Containing approximately 57 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6589; Filed, Aug. 15, 1956;
8:47 a. m.]

[1034743]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER FOREST HOMESTEAD ACT

AUGUST 8, 1956.

Upon request of the Department of Agriculture and pursuant to the author-

ity delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights the orders described below opening lands in the Tongass National Forest for entry under the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509) as amended, are hereby revoked as to the lands hereinafter described:

LIST NO. 8-16; DATE OF ORDER OF OPENING,
JUNE 9, 1922

Lands described in Homestead Entry Survey No. 164, containing 68.03 acres.

LIST NO. 8-100; DATE OF ORDER OF OPENING,
OCTOBER 22, 1926

Beginning at Corner H-1, M. C., which is identical with F. S. M. located at line of mean high tide on east bank of large stream flowing into Tenakee Inlet, approximate latitude 57° 54' N., longitude 135° 44' W., thence

N. 59° W., 33.50 chains to Corner H-2;
S. 74° 30' W., 11.30 chains to Corner H-3;
S. 56° 30' W., 29.90 chains to Corner H-4;
S. 58° 30' E., 34.50 chains to Corner H-5, M. C.; thence by meander along N. W. bank of aforesaid stream

N. 0° 45' E., 16.20 chains;
N. 81° E., 16.00 chains;
S. 70° E., 14.00 chains;
N. 41° E., 8.70 chains to Corner H-1, the place of beginning.

The area described contains 102.09 acres.

LIST NO. 6-2074; DATE OF ORDER OF OPENING,
SEPTEMBER 9, 1919

Beginning at Corner No. 1, identical with Forest Service Monument, consisting of a hewn post marked FSMH/1, situated on a knoll on the west bank of creek opposite a wooded point in Saook Bay, Baranof Island, Alaska, approximate latitude 57°24' N., longitude 135°12' W., thence

S. 88° W., 17.38 chains;
S. 34°30' E., 26.60 chains;
S. 17.50° E., 11.16 chains;
N. 67° E., 7.68 chains;

thence meandering along west bank of creek.

N. 36° E., 5.75 chains;
N. 4° 30' W., 4.67 chains;
N. 18° 30' W., 3.63 chains;
N. 23° W., 2.75 chains;
N. 24° 30' W., 2.34 chains;
N. 32° W., 4.28 chains;
N. 35° 30' W., 2.75 chains;
N. 50° W., 3.29 chains;
N. 24° W., 3.79 chains to the place of beginning.

The area described contains 45.92 acres.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-6614; Filed, Aug. 15, 1956;
8:53 a. m.]

Bureau of Reclamation

AMERICAN RIVER DIVISION, CENTRAL
VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 10, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of September 14, 1942, insofar as said order affects the following described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders

withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 9 E.,
Sec. 10, NW ¼ NE ¼.

The above area aggregates 40 acres.

E. G. NIELSEN,
Assistant Commissioner.
[70171]

AUGUST 10, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are grazing lands in the north central portion of Sonoma County, California.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on September 15, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 15, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 15, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on December 15, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-6590; Filed, Aug. 15, 1956;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6702]

SOUTHERN NEVADA POWER CO.

NOTICE OF APPLICATION

AUGUST 13, 1956.

Take notice that on August 9, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Southern Nevada Power Co. ("Applicant"), a corporation organized under the laws of the State of Nevada and doing business in said State, with its principal business office at Las Vegas, Nevada, seeking an order authorizing the issuance and sale by competitive bidding \$4,000,000 principal amount of its First Mortgage Bonds, Series C due 1986. Applicant also proposes to issue First Mortgage Bonds, 4 3/4 Percent Series due 1983 and 4 1/4 Percent Series B due 1984 in exchange for and in all respects identical in terms with its First Mortgage Bonds, 4 3/4 Percent Series due 1983 and First Mortgage Bonds, 4 1/4 Percent Series B due 1984, respectively, outstanding except to the extent that the outstanding First Mortgage Bonds shall be changed by the execution of the Second Supplemental Indenture. Applicant will give holders of its outstanding First Mortgage Bonds notice of the proposed changes, but does not presently propose any exchange of physical certificates evidencing bonds. Applicant believes the proposed issue of 4 3/4 Percent Series Bonds due 1983 and the 4 1/4 Percent Series B Bonds due 1984 constitutes an issuance pro rata to existing holders of its First Mortgage Bonds pursuant to a reorganization. The proceeds from the proposed issuance and sale of its First Mortgage, Series C due 1986, applicant states, will provide funds for its construction program for the year 1956.

Any person desiring to be heard or to make any protest with reference to said

application should on or before the 29th day of August, 1956, file with the Federal Power Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6612; Filed, Aug. 15, 1956;
8:52 a. m.]

[Docket No. G-8471, etc.]

VILLAGE OF FRANKLIN, ILL. ET AL.

NOTICE OF RECONVENED HEARING

AUGUST 9, 1956.

In the matters of Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

Notice is hereby given that the hearing now scheduled for September 26, 1956, in the above-designated matters will reconvene on September 17, 1956 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6594; Filed, Aug. 15, 1956;
8:48 a. m.]

[Docket No. G-10564]

N. B. HUNT

ORDER AMENDING ORDER SUSPENDING
PROPOSED CHANGES IN RATES

N. B. Hunt (Applicant), on May 14, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges were contained in the following designated filings which were proposed to be made effective on the date shown:

Description; Purchaser; Rate Schedule
Designation; and Effective Date

Contract dated March 6, 1956, Supplemental Agreements dated August 1, 1952, January 26, 1954, and April 15, 1955; notice of change, dated May 14, 1956; Texas-Illinois Natural Gas Pipeline Co.; Applicant's FPC Gas Rate Schedule No. 8¹ and Supplements 1, 2, 3, and 4; June 14, 1956.

By order issued herein on June 13, 1956, the Commission suspended the above-designated rate schedule and supplements and deferred the use thereof until November 14, 1956, and such further time as they are made effective in the manner prescribed by the Natural Gas Act. In its said order the Commission provided, among other things, that neither the Rate Schedule nor the Sup-

¹ Supersedes Applicant's FPC Gas Rate Schedule No. 6.

plements thereby suspended should be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission. On July 9, 1956, Applicant, pursuant to the above-stated proviso, filed a "Request For Permission To Amend Notice Of Change" wherein Applicant requested permission to substitute its "Amended Notice of Change" filed also on July 9, 1956, and designated by the Commission as Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 8, for the "Notice of Change" designated as Supplement No. 4 to the same rate schedule and theretofore filed on May 14, 1956.

The Commission finds: Good cause exists to permit the substitution of Supplement No. 5 for Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 8: *Provided, however*, That the said Supplement No. 5 be suspended and the use thereof deferred in the same manner and to the same extent as provided by the order issued herein on June 13, 1956 with respect to Supplement No. 4 to Applicant's said rate schedule.

The Commission orders:

(A) The "Amended Notice of Change" filed herein by Applicant on July 9, 1956, and designated as Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 8, be and it is hereby accepted for filing in substitution for Supplement No. 4 to the said rate schedule. Said Supplement No. 4 is hereby superseded.

(B) Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 8 be and it hereby is suspended and the use thereof deferred until November 14, 1956, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Except as hereby amended, the Order Suspending Proposed Changes in Rates, issued herein on June 13, 1956, shall remain in full force and effect.

Issued: August 9, 1956.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6595; Filed, Aug. 15, 1956;
8:48 a. m.]

[Docket No. G-10876]

SKELLY OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN
RATES

On July 16, 1956, Skelly Oil Company (Skelly) tendered for filing Supplements Nos. 2 and 3 to its FPC Gas Rate Schedule No. 89, applicable to its sales of natural gas to Permian Basin Pipeline Company for resale.

Under the present contract between Skelly and Permian, gas from the Lovington Gasoline plant in Lea County, New Mexico, is sold to Permian at a contract price of 10.5124 cents per Mcf measured at a pressure base of 15.025 psia.

Skelly states that both parties to the contract agreed that if Skelly would extend its gathering lines of its Lovington Plant and would purchase the addi-

tional casinghead gas thereby made available, and sell the residue gas therefrom to Permian under the subject rate schedule, the contract measurement pressure base would be reduced from 15.025 psia to 14.65 psia. The effect of such change is to increase the price for gas from 10.5124 cents per Mcf to 10.7815 cents per Mcf measured at the old pressure base of 15.025 psia. Skelly requests that the change in the contract measurement pressure base be made effective July 16, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in the Natural Gas Act, particularly sections 4, 5, 15 and 16 thereof, and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the increased rates and charges proposed; and, pending such hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until January 16, 1957, and until such further times as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: August 10, 1956.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[P. R. Doc. 56-6596; Filed, Aug. 15, 1956; 8:49 a. m.]

[Docket No. G-10883]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES
IN RATES

Phillips Petroleum Company (Applicant) on July 13, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which

No. 159—6

is proposed to become effective on the date shown:

Description; Purchaser; Designation; and
Effective Date¹

Notice of change dated July 10, 1956; Panhandle Eastern Pipeline Company; Supplement No. 22 to Applicant's FPC Gas Rate Schedule No. 5; August 13, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 10, 1956.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[P. R. Doc. 56-6597; Filed Aug. 15, 1956; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 267]

DEPUTY ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY

AUGUST 10, 1956.

1. *Delegation of authority.* The Deputy Administrator is hereby delegated all the authorities vested in the Administrator by the Federal Property and

¹ The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

Administrative Services Act of 1949 (63 Stat. 377), as amended, and other applicable statutes and executive orders, except as limited by sections 101 (c), 106, 205 (d), and 307 (b) of the act.

2. *Redelegation.* The authority delegated to the Deputy Administrator may not be redelegated.

3. *Existing instructions.* Any existing delegations of authority, instructions, or orders issued prior to the effective date of this delegation of authority are modified to the extent of such inconsistency.

4. *Effective date.* This delegation of authority shall be effective as of the date hereof.

F. G. FLOETE,
Administrator.

[P. R. Doc. 56-6629; Filed, Aug. 15, 1956; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32501: *Live stock—Farmland, Ind., to Georgia and Tennessee.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cattle, calves, hogs, goats, kids, lambs and sheep, carloads from Farmland, Ind., to Atlanta and Moultrie, Ga., and Nashville, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4664.

FSA No. 32502: *Caustic soda—Michigan, Ohio, and West Virginia, to Foley, Fla.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, tank-car load from Detroit, Whitehall-Montague and Wyandotte, Mich., Barberton, Painesville, Fairport Harbor and Perry, Ohio, Natrium and Perkins, W. Va., to Foley, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4664.

FSA No. 32503: *Scrap or waste paper within and between Southern and Illinois Territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap or waste paper, carloads between points in southern territory and between points in southern territory, on one hand, and points in Illinois territory, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 12 to Agent Spaninger's tariff I. C. C. 1525; supplement 7 to Agent R. G. Raasch's tariff I. C. C. 861.

FSA No. 32504: *Trailer-on-flat-car-service—Eastern points to Western points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities moving on classification exceptions rates, loaded in or on

trailers and transported on railroad flat cars from points in New Jersey, New York, and Pennsylvania on the Reading Company to points in Illinois, Minnesota and Wisconsin on specified carriers.

Grounds for relief: Short-line distance formula, motor truck competition, and circuitous routes.

Tariff: Reading Company tariff I. C. C. 2377.

FSA No. 32505: *Commodities between points in Texas*. Filed by Lee Douglas, Alternate Agent, for interested rail carriers. Rates on aqua ammonia, carloads, and other commodities, carloads, as described in the application between points in Texas over interstate routes.

Grounds for relief: Short-lined distance formula, intrastate competition, and circuitous routes.

Tariff: Supplement 27 to Agent Brown's tariff I. C. C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32506: *Commodities between points in Texas*. Filed by Lee Douglas, Alternate Agent, for interested rail carriers. Rates on various commodities, carloads, as described in the application between points in Texas over interstate routes.

Grounds for relief: Maintenance of depressed rates, established to meet intrastate competition not applicable in constructing combination rates.

Tariff: Supplement 27 to Agent Brown's tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6803; Filed, Aug. 15, 1956;
8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, June 1, 1956 (21 F. R. 3732).

Dated: August 1, 1956.

STANLEY RUTTENBERG,

[F. R. Doc. 56-6815; Filed, Aug. 15, 1956;
8:53 a. m.]

J. R. KILLIAN, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions:

I now own stock in the Lehman Brothers Corporation.

I am now Chairman of the Board of Trustees of the Institute for Defense Analyses, Inc.

This amends statement previously published in the FEDERAL REGISTER February 2, 1956 (21 F. R. 758).

Dated: July 29, 1956.

J. R. KILLIAN, JR.

[F. R. Doc. 56-6616; Filed, Aug. 15, 1956;
8:53 a. m.]

DAVID C. HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER May 30, 1956 (21 F. R. 3704).

Dated: August 6, 1956.

DAVID C. HOLUB.

[F. R. Doc. 56-6617; Filed, Aug. 15, 1956;
8:53 a. m.]

SHAW LIVERMORE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of February 9, 1956.

This amends statement previously published in the FEDERAL REGISTER February 22, 1956 (21 F. R. 1212).

Dated: August 9, 1956.

SHAW LIVERMORE.

[F. R. Doc. 56-6618; Filed, Aug. 15, 1956;
8:53 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 112]

COLORADO

DECLARATION OF DISASTER AREA

Whereas it has been reported that from July 26, 1956, through July 29, 1956, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Colorado:

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Denver, Jefferson, Arapahoe, and Morgan.

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colorado.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1957.

Dated: August 2, 1956.

[SEAL] WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6610; Filed, Aug. 15, 1956;
8:52 a. m.]

[Declaration of Disaster Area 113]

UTAH

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about July 26, 1956, because of the disastrous effects of a flood, damage resulted to residences and business property located in certain areas in the State of Utah;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the city of Cedar City (including any areas adjacent to said city) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colorado.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1957.

Dated: August 1, 1956.

[SEAL] WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6611; Filed, Aug. 15, 1956;
8:52 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File Nos. 59-88; 59-9; 54-173]

PHILADELPHIA CO.

ORDER PURSUANT TO SECTIONS 1081
THROUGH 1083, AND 4382 (b) OF INTER-
NAL REVENUE CODE

AUGUST 10, 1956.

Philadelphia Company ("Philadelphia") is a registered holding company under the Public Utility Holding Company Act of 1935 ("act") and a subsidiary of Standard Gas and Electric Company and Standard Shares Inc. (the latter being formerly known as Standard Power and Light Corporation), both of which are also registered holding companies.

On June 1, 1948, the Commission issued its Findings, Opinion and Order, pursuant to sections 11 (b) (1) and 11 (b) (2) of the act, directing, among other things, the liquidation and dissolution of Philadelphia. Thereafter Philadelphia effectuated various steps toward compliance with the Commission's order and on August 3, 1956, advised the Commission, pursuant to Rule U-44 (c) promulgated under the act, that it proposes to sell non-utility property, consisting of a parking lot at 609 Grant Street, Pittsburgh, Pa., to a non-affiliated purchaser for a cash consideration of \$167,000.

Philadelphia proposes to apply the proceeds of the sale, or an amount equal thereto, to the payment and retirement of a like principal amount of a note or notes then owing to Mellon National Bank and Trust Company, which bank loan is presently represented by a note of Philadelphia in the principal amount of \$1,000,000 maturing August 21, 1956.

Philadelphia has requested the Commission to enter an order herein effective forthwith, containing the recitals required by sections 1081 through 1083 and section 4382 (b) (2) of the Internal Revenue Code.

The Commission having considered the request of Philadelphia and deeming it appropriate that an order, as requested, should issue:

It is ordered, That this order become effective upon issuance.

It is further ordered and recited, That the transfers, conveyances, sales, expenditures, investments and receipts hereinafter described and recited in subparagraphs I and II below, are hereby authorized and approved, and are necessary and appropriate to the integration and simplification of the holding company system of which Philadelphia is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and the orders of the Commission previously entered thereunder, all in accordance with the meaning and requirements of sections 1081 through 1083 of the Internal Revenue Code and section 4382 (b) (2) thereof, the stock and securities and other property to be transferred, conveyed, sold or received upon such transactions, and the expenditures and investments to be made, being specified and itemized as follows:

I. The sale by Philadelphia of the real property owned by it, located at 609 Grant Street, Pittsburgh, Pa., and recently used as a parking lot, for \$167,000 in cash, and the transfer and conveyance of said property to the purchaser pursuant to said sale and the receipt by Philadelphia of the purchase price therefor.

II. The payment and expenditure by Philadelphia of the entire \$167,000 to be received by it upon the sale specified in subparagraph I above, or an amount equal thereto, in and for the redemption, retirement and cancellation of a like principal amount of the note or notes then representing Philadelphia's bank loan from Mellon National Bank and Trust Company, which bank loan is presently represented by a note of Philadelphia in the principal amount of \$1,000,000 maturing August 21, 1956.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,

Secretary.

[F. R. Doc. 56-6607; Filed, Aug. 15, 1956;
8:51 a. m.]

[File No. 24D-1396]

URANIUM OXIDE PRODUCERS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION,
STATEMENT OF REASONS THEREFOR,
AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 9, 1956.

I. Uranium Oxide Producers, Inc., a Delaware corporation with its principal office located at 11 West 42nd Street, New York 36, New York, having filed with the Commission on August 24, 1954, a notification on Form 1-A and an offering circular relating to an offering of 4,500,000 shares of its 1 cent par value common stock, such stock to be offered at 5 cents per share for an aggregate of \$225,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports on Form 2-A required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and pres-

entation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,

Secretary.

[F. R. Doc. 56-6605; Filed, Aug. 15, 1956;
8:51 a. m.]

[File No. 24D-1874]

DIX URANIUM CORP.

NOTICE OF AND ORDER FOR HEARING

AUGUST 9, 1956.

Dix Uranium Corporation, Provo, Utah, having filed with the Commission on August 10, 1955, a notification on Form 1-A and an offering circular relating to a proposed public offering of 8,000,000 shares of 5 cents par value common stock at 5 cents per share, and having filed certain amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on June 25, 1956, having issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 temporarily suspending the exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rule 223, and a written request for a hearing having been received by the Commission on August 3, 1956, from the corporation; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933 and the rules of the Commission be held on August 17, 1956, at 10:00 a. m., m. s. t., at the Denver Regional Office of the Commission, at Room 573, New Customhouse, 19th and Stout Streets, Denver, Colorado, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

1. Whether the terms and conditions of Regulation A have been complied with by Dix Uranium Corporation.

2. Whether the notification and offering circular are false and misleading in naming Weber Investment Company as the principal underwriters; in omitting to state that Ruth J. Rains was intended to act as the principal underwriter; and in omitting to state that Ruth J. Rains was not registered with the Commission as a broker-dealer.

3. Whether the offering circular is false and misleading in stating, "The Underwriter agrees to use its best efforts to sell such stock directly and through securities dealers registered in Nevada and such other states wherein this offer-

ing has been registered and cleared for sale," and in omitting to state that the State of Nevada does not register securities dealers or securities being offered for sale in such state.

4. Whether the offering circular is false and misleading in omitting to state that Weber Investment Company, named as underwriters therein, ceased its underwriting business in July 1955, and withdrew its registration with the Commission as a broker-dealer effective November 23, 1955.

5. Whether the issuer has failed to file a report on Form 2-A of sales of securities being offered, as required by Rule 224.

6. Whether the order dated June 25, 1956, suspending the exemption under Regulation A with respect to Dix Uranium Corporation should be vacated or made permanent.

It is further ordered, That Maurice Miller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 15, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 56-6606; Filed, Aug. 15, 1956;
8:51 a. m.]

[File No. 70-3493]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA
GAS SYSTEM SERVICE CORP.

ORDER AUTHORIZING OPEN-ACCOUNT ADVANCES BY PARENT TO SUBSIDIARY FOR CONSTRUCTION OF OFFICE BUILDING

AUGUST 10, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary service company Columbia Gas System Service Corporation ("Service") have filed a joint declaration and an amendment thereto pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder, with respect to the following proposed transaction:

Columbia will advance to Service, on open account as required, not to exceed \$1,500,000 for the construction of an office building at Marble Cliff, near Columbus, Ohio. Each several advance will bear interest from the date advanced at 3½ percent per annum.

The building will be erected for the purpose of consolidating in suitable quarters at one location the departments of Service located in Columbus, Ohio.

Upon completion of the building, Service plans either (i) to sell the building to a non-affiliate and lease it back on a long-term contract, or (ii) to finance the building on a long-term basis through the sale of securities to Columbia; at which time Service will repay to Columbia the open-account loan proposed herein together with \$95,000 heretofore advanced on open-account by Columbia for the purchase of the building site. It is stated that, to the extent that the Commission has jurisdiction over the final transaction, applications relating thereto will be filed with the Commission.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.
[F. R. Doc. 56-6606; Filed, Aug. 15, 1956;
8:51 a. m.]

[File No. 70-3496]

APPALACHIAN ELECTRIC POWER CO.

ORDER GRANTING APPLICATION REGARDING
ISSUANCE AND SALE OF NOTES TO BANKS

AUGUST 9, 1956.

Appalachian Electric Power Company ("Appalachian"), a public utility subsidiary of American Gas and Electric Company ("American"), a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the first and second sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Appalachian has orally established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time, prior to June 30, 1957, not in excess of \$26,000,000:

Irving Trust Co., New York, N. Y.	\$5,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	5,000,000
First National City Bank of New York, New York, N. Y.	5,000,000
Manufacturers Trust Co., New York, N. Y.	5,000,000
Guaranty Trust Co. of New York, New York, N. Y.	3,000,000
Bankers Trust Co., New York, N. Y.	2,200,000
The Hanover Bank, New York, N. Y.	800,000
Total	26,000,000

Of the \$26,000,000 proposed to be borrowed Appalachian has, at June 30, 1956,

borrowed \$10,000,000 from such banks and has issued notes in evidence thereof. This amount and additional borrowings of \$6,000,000 are stated to be exempt from section 6 (a) of the act by the first sentence of section 6 (b) thereof.

Appalachian now requests approval for additional borrowings under the above line of credit in an amount not to exceed \$10,000,000, such borrowings to be evidenced by Notes to be dated as of the date of the borrowings and to mature not more than 270 days after the date of issuance. The Notes are to bear interest from the date thereof at the then current prime rate, which is presently 3½ percent per annum, and may be prepaid from time to time, in whole or in part, without premium.

According to the filing, Appalachian's outstanding notes payable to banks at the time of its next permanent financing will be paid off from the proceeds of such financing which is expected to occur prior to April 30, 1957.

The proceeds from the notes will be used by Appalachian to pay part of the costs of its construction program estimated to amount to \$38,534,000 in 1956 and \$55,444,000 in 1957.

The expenses to be incurred by Appalachian are estimated at not in excess of \$500. No fees, commissions or other expenses are to be paid except that routine services incident to the proposed transactions will be performed by the service company for the American system.

The Virginia State Corporation Commission has issued an order authorizing the proposed transactions. It is represented that no other State commission or Federal agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice of the filing of the application having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth above; and the Commission observing no basis for adverse findings, or for the imposition of terms and conditions, other than those contained in Rule U-24, and finding that the applicable provisions of the act and of the rules thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that the application as amended be granted forthwith:

It is ordered, Pursuant to section 6 (b) of the act and Rule U-23 thereunder, that the application as amended be, and it hereby is, granted forthwith, so that the borrowing permitted by the first and second sentences of section 6 (b) is hereby increased to \$26,000,000, the authorization for such increase to terminate on April 30, 1957.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 56-6604; Filed, Aug. 15, 1956;
8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-84]

PRECISION TOOL AND MACHINE CO., LTD.

In re: Debt owing to the Precision Tool and Machine Company, Ltd., (Praecisios Szerszam es Gepgyar Rt.), also known as Precision Tool Factory (Precizios Keziszerszamgyar), F-34-239.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363) and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Mr. George J. Binet, Special Account, Brimfield, Massachusetts," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Precision Tool and Machine Company, Ltd., (Praecisios Szerszam es Gepgyar Rt.), also known as Precision Tool Factory (Precizios Keziszerszamgyar), Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule,

regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6619; Filed, Aug. 15, 1956;
8:54 a. m.]

[Vesting Order SA-85]

PROVIDENTIA VERSICHERUNGS A. G.

In re: Debt owing to Providentia Versicherungs A. G., also known as the Providentia Insurance Company, F-34-383; F-63-2748 (Basle).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the sum of \$6,229.25, being a portion of an account entitled, "Societe de Banque Suisse, Basle, account Providentia Versicherungs A. G. Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Providentia Versicherungs A. G., also known as the Providentia Insurance Company, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of

the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6620; Filed, Aug. 15, 1956;
8:54 a. m.]

[Vesting Order SA-86]

PROVIDENTIA VERSICHERUNGS A. G.

In re: Debt owing to Providentia Versicherungs A. G., also known as the Providentia Insurance Company, F-34-383.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Providentia Versicherungs Aktiengesellschaft, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Providentia Versicherungs A. G., also known as the Providentia Insurance Company, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the

President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6621; Filed, Aug. 15, 1956;
8:54 a. m.]

[Vesting Order SA-87]

FIRST HUNGARIAN GENERAL ASSURANCE CO.

In re: Debt owing to the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, F-34-1018.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "First Hungarian General Assurance Company in Liquidation, Budapest 40, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under

Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6622; Filed, Aug. 15, 1956;
8:54 a. m.]

[Vesting Order SA-88]

FIRST HUNGARIAN GENERAL ASSURANCE CO.

In re: Debt owing to the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, F-34-1018.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Erste Ungarische Allgemeine Assecuranz Gesellschaft," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or

for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6623; Filed, Aug. 15, 1956;
8:54 a. m.]

[Vesting Order SA-89]

GELDINSTITUTS-ZENTRALE

In re: Securities owned by Geldinstituts-Zentrale, F34-1682; F62-478.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955, (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Two thousand eight hundred and thirty-nine (2,839) Uniform Certificates of Deposit for Kreuger & Toll Company (Aktiebolaget Kreuger & Toll) 5 percent Secured Sinking Fund Gold Debentures (Depository—Guaranty Trust Company of New York) bearing the numbers UNRM 8319, 16860, 17034/71035, 17497, 23546/23555, 24004, 24469/24478, 24488/24500, 24501/24506, 24546/24562, 24594/24634, 24702/24711, 24767/24773, 24775/24779, 24790/24797, 24780/24789, 24988/25012, 25115/25117, 25686/25691, 25789/25791, 25934, 26030/26032, 26243, 26376/26380, 26461/26463, 26469/26470, 26512, 26501/26518, 25723/25722, 27505/27510, 28160, 28505, 28764/28818, 28834/28899, 28972/28981, 29126/29138, 29266/29271, 29333/29343, 29358/29362, 29395/29402, 29462/29495, 29528, 29637/30343, 30344/30599, 30745/30994, 32076/32100, 32106/32114, 32234, 32241/32365, 32421/2, 32504/32513, 32789/32796, 32486/32498, 32910/32916, 33402/33403, 33407/33412, 33475/33487, 33517/33518, 33617/33619, 33651, 33786/33788, 33190/33219, 33228/33246, 33252, 33255/33259, 33261/33269, 33281/33299, 33315/33316, 33342/33343, 33345/33353, 33384/33386, 33401, 33068/33067, 33103/33162, 33170/33189, 32433/32434, 32852/32883, 33002/33067, 32884/32899, 32917/32984, 33092/33096, 33168, 32423/

22432, 33794, 33801, 33853, 33857/8, 33860/33954, 34470 at \$1,000; UNRD 6499/6509, 6659/6672, 6677/6692, 6698/6699, 6957/7113, 7114/7136, 7163/7184, 6859/60, 7224/5, 7242/7243, 7265/7268, 7288/7309, 7323/7387, 7429/7434, 7581/7582, 7589/7590, 7631/7640, 7645/7652, 7766/7769, 7780/7791, 7794/7799, 7803/7804 at \$500, said certificates registered in the name of and presently in the custody of J. & W. Seligman & Co. in an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden Blocked Account," together with any and all rights thereunder and thereto.

b. Forty-five (45) Class A Certificates of Deposit for Kreuger & Toll Company (Aktiebolaget Kreuger & Toll) 5 Percent Secured Sinking Fund Gold Debentures (Depository—Guaranty Trust Company of New York) at \$1,000 each bearing the numbers AM 29061/29065, 29150, 29279/29286, 28819/28833, 29040/29049, 28524/28529, registered in the name of and presently in the custody of J. & W. Seligman & Co. in an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden Blocked Account," together with any and all rights thereunder and thereto.

c. One hundred and seventy-eight (178) Certificates of Deposit for Kreuger & Toll Company 5 Percent Secured Sinking Fund Gold Debentures dated March 1, 1929 (Depository—Title Guarantee and Trust Company) bearing the numbers 1857/1878, 1882/1942, 1944/5, 1947/2034, 2041/2 at \$1,000; 1881, 2036 and 2043 at \$500, registered in the name of and presently in the custody of J. & W. Seligman & Co. in an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden Blocked Account," together with any and all rights thereunder and thereto.

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Geldinstituts-Zentrale, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Set-

tlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6624; Filed, Aug. 15, 1956;
8:54 a. m.]

[Vesting Order SA-90]

NATIONAL BANK OF ROUMANIA

In re: Debt owing to National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nazionale a Roumaniei. F-57-85; F-27-6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Agency of The Royal Bank of Canada, 68 William Street, New York 5, New York arising out of an account entitled, "Banque de Paris et des Pays Bas, Amsterdam, Netherlands," maintained at the aforesaid bank, together with any and all rights to demand enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned by the National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nazionale a Roumaniei, Bucharest, Roumania, a national of Roumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with di-

rections and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6625; Filed, Aug. 15, 1956;
8:55 a. m.]

[Vesting Order SA-91]

NATIONAL BANK OF ROUMANIA

In re: Debt owing to National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nazionale a Roumaniei. F-57-85; F-27-6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of an account entitled "Banque De Paris Et Des Pays Bas, Amsterdam, Netherlands," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nazionale a Roumaniei, Bucharest, Roumania, a national of Roumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered,

sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6626; Filed, Aug. 15, 1956;
8:55 a. m.]

[Vesting Order SA-92]

NATIONAL BANK OF ROUMANIA

In re: Debt owing to National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei. F-57-85; F-27-6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Hanover Bank, 70 Broadway, New York 15, New York, in the sum of \$893.22, being a portion of an account entitled, "The Banque de Paris et des Pays Bas, Amsterdam, Holland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6627; Filed, Aug. 15, 1956;
8:55 a. m.]